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STATUTES OF CALIFORNIA  
EXTRAORDINARY SESSION  
1949

*Began on Monday, December 12, 1949, and Adjourned  
Wednesday, December 21, 1949*

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# PROCLAMATION BY THE GOVERNOR

## CONVENING THE LEGISLATURE IN EXTRAORDINARY SESSION

EXECUTIVE DEPARTMENT  
STATE OF CALIFORNIA

### PROCLAMATION

WHEREAS, An extraordinary occasion has arisen and now exists requiring that the Legislature of the State of California be convened in extraordinary session; now, therefore,

I, EARL WARREN, Governor of the State of California, by virtue of the power and authority in me vested by Section 9 of Article V of the Constitution of the State of California, do hereby convene the Legislature of the State of California to meet in extraordinary session at Sacramento, California, on Monday, the twelfth day of December, 1949, at 12 o'clock noon of said day for the following purposes and to legislate upon the following subjects:

1. To consider and act upon legislation to appropriate money to the counties and cities and counties for expenditure during the 1949-1950 Fiscal Year to meet the financial emergency in payment of aid to the aged and to the needy blind and the administration of such aid confronting the counties and cities and counties by reason of the adoption of Article XXVII of the State Constitution at the special election of November 8, 1949

2. To consider and act upon legislation to provide for the transfer to the counties and cities and counties of personnel for the administration of aid to the aged and aid to the needy blind.

3. To consider and act upon legislation to increase the salary of the Director of Social Welfare.

4. To consider and act upon legislation to provide financial assistance during the 1949-1950 Fiscal Year to school districts in which the increase in attendance during the current fiscal year over that of the last preceding fiscal year is such that the school districts are unable to provide for the operation and maintenance of necessary schools during the current fiscal year.

5. To consider and act upon legislation relating to lobbying and other attempts to influence legislation.

6. To consider and act upon legislation to prohibit any state officer or employee, otherwise than in the discharge of his official duties, from representing for compensation the interests of any other person before any administrative agency or officer of this State or from prosecuting or aiding or assisting in the prosecution of any claim of another against the State or any agency thereof before any such agency or officer.

7. To consider and act upon legislation relating to sex offenses.

8. To consider and act upon legislation to provide for the submission of the Veterans' Bond Act of 1949 and of Assembly Constitutional Amendment No. 28 of the 1949 Regular Session to the voters of the State at a special election to be consolidated with the 1950 direct primary election.

9. To approve or reject charters and charter amendments of cities, cities and counties, and counties, ratified by the electors pursuant to the Constitution of the State of California.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this seventh day of December, 1949.

(SIGNED)

EARL WARREN  
Governor of California

(SEAL)

ATTEST:

FRANK M. JORDAN  
Secretary of State

# STATUTES OF CALIFORNIA

PASSED AT THE 1949 EXTRAORDINARY SESSION OF  
THE LEGISLATURE

## CHAPTER 1

*An act making an appropriation for the contingent expenses of the Assembly, including expenses of committees, to take effect immediately.*

[Approved by Governor December 21, 1949 Filed with  
Secretary of State December 21, 1949]

In effect  
immediately

*The people of the State of California do enact as follows:*

SECTION 1. The sum of one hundred thousand dollars (\$100,000) or so much thereof as may be necessary is hereby appropriated out of the General Fund in the State Treasury for the contingent expenses of the Assembly for the 1949 First Extraordinary Session of the Legislature, including expenses of committees.

Appropriation:  
Assembly  
contingent  
expenses

SEC. 2. This act makes an appropriation for the usual current expenses of the State within the meaning of Article IV of the Constitution, and shall take effect immediately.

Current  
expenses

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## CHAPTER 2

*An act making an appropriation for the contingent expenses of the Senate, including committee expenses, to take effect immediately.*

[Approved by Governor December 21, 1949 Filed with  
Secretary of State December 21, 1949]

In effect  
immediately

*The people of the State of California do enact as follows:*

SECTION 1. The sum of twenty-five thousand dollars (\$25,000) or so much thereof as may be necessary is hereby appropriated out of any money in the State Treasury not otherwise appropriated for the contingent expenses of the Senate for the 1949 First Extraordinary Session of the Legislature, including expenses of committees.

Appropriation  
Senate  
contingent  
expenses

SEC. 2. This act, inasmuch as it makes an appropriation for the usual current expenses of the State, shall, under the provisions of Section 1 of Article IV of the Constitution, take effect immediately.

Current  
expenses

## CHAPTER 3

*An act making an appropriation for payment of the expenses of Members of the Senate necessarily incurred by them while attending the 1949 First Extraordinary Session of the Legislature, to take effect immediately.*

In effect  
immediately

[Approved by Governor December 21, 1949. Filed with  
Secretary of State December 21, 1949.]

*The people of the State of California do enact as follows:*

Appropriation  
Senator's  
expenses

SECTION 1. The sum of five thousand dollars (\$5,000) is hereby appropriated out of the General Fund in the State Treasury for the payment of the expenses of Members of the Senate necessarily incurred by them while attending a session of the Legislature, as provided by Section 23b of Article IV of the Constitution and the Joint Rules of the Senate and Assembly.

Current  
expenses

SEC. 2. This act makes an appropriation for the usual current expenses of the Senate and shall take effect immediately.

## CHAPTER 4

*An act to add Chapter 8 to Part 1, Division 2, Title 2 of the Government Code, relating to influencing the passage or defeat of legislation.*

In effect  
March 22,  
1950

[Approved by Governor December 29, 1949. Filed with  
Secretary of State December 29, 1949.]

*The people of the State of California do enact as follows:*

SECTION 1. Chapter 8 is added to Part 1, Division 2, Title 2 of the Government Code, to read:

See also  
Stats 1950  
(1st Ex  
Sess.),  
Ch 6i

## CHAPTER 8. REGULATION OF LEGISLATIVE REPRESENTATION

9900. When used in this chapter

Definitions  
"Contribution"

(a) The term "contribution" includes a gift, subscription, loan, advance, or deposit of money or anything of value and includes a contract, promise, or agreement, whether or not legally enforceable, to make a contribution.

"Expenditure"

(b) The term "expenditure" includes a payment, distribution, loan, advance, deposit, or gift of money or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure.

"Person"

(c) The term "person" includes an individual, partnership, committee, association, corporation, and any other organization or group of persons.

"Clerk"

(d) The term "Clerk" means the Chief Clerk of the Assembly, and the term "Secretary" means the Secretary of the Senate, of the State of California.

"Secretary"

(e) The term "legislation" means bills, resolutions, amendments, nominations, and other matters pending or proposed in either house of the Legislature, and includes any other matter which may be the subject of action by either house.

"Legislation"

(f) The term "political committee" includes any committee, association, or organization which accepts contributions or makes expenditures for the purpose of influencing or attempting to influence the election of candidates or presidential and vice presidential electors, or any duly authorized committee or subcommittee of a political party whether national, state, or local.

"Political committee"

9901. (a) It shall be the duty of every person who shall in any manner solicit or receive a contribution to any organization or fund for the purposes hereinafter designated to keep a detailed and exact account of

See also Stats 1950 (1st Ex Sess), Ch 66 Accounts

(1) All contributions of any amount or of any value whatsoever;

(2) The name and address of every person making any such contribution of twenty dollars (\$20) or more and the date thereof;

(3) All expenditures made by or on behalf of such organization or fund; and

(4) The name and address of every person to whom any such expenditure is made and the date thereof.

(b) It shall be the duty of such person to obtain and keep a receipted bill, stating the particulars, for every expenditure of such funds exceeding ten dollars (\$10) in amount, and to preserve all receipted bills and accounts required to be kept by this section for a period of at least two years from the date of the filing of the statement containing such items.

Receipts Expenditures over \$10

9902. Every individual who receives a contribution of twenty dollars (\$20) or more for any of the purposes hereinafter designated shall within five days after receipt thereof render to the person or organization for which such contribution was received a detailed account thereof, including the name and address of the person making such contribution and the date on which received.

See also Stats 1950 (1st Ex Sess), Ch 66 Accounts Contributions over \$20

9903. (a) Every person receiving any contributions or expending any money for the purposes designated in subparagraph (a) or (b) of Section 9905 of this chapter shall file with the clerk and secretary between the first and tenth day of each calendar month, a statement containing complete as of the day next preceding the date of filing

See also Stats 1950 (1st Ex Sess), Ch 66 Filing of statements re contributions and expenditures

(1) The name and address of each person who has made a contribution of twenty dollars (\$20) or more not mentioned in the preceding report; except that the first report filed pursuant to this chapter shall contain the name and address of each person who has made any contribution of twenty dollars (\$20) or more to such person since the effective date of this chapter;

(2) The total sum of the contributions made to or for such person during the calendar year and not stated under paragraph (1) ;

(3) The total sum of all contributions made to or for such person during the calendar year ;

(4) The name and address of each person to whom an expenditure in one or more items of the aggregate amount or value, within the calendar year, of ten dollars (\$10) or more has been made by or on behalf of such person, and the amount, date, and purpose of such expenditure ;

(5) The total sum of all expenditures made by or on behalf of such person during the calendar year and not stated under paragraph (4) ;

(6) The total sum of expenditures made by or on behalf of such person during the calendar year.

(b) The statements required to be filed by subsection (a) shall be cumulative during the calendar year to which they relate, but where there has been no change in an item reported in a previous statement only the amount need be carried forward.

Filing  
When  
effective

9904. A statement required by this chapter to be filed with the clerk and secretary

(a) Shall be deemed properly filed when deposited in an established post office within the prescribed time, duly stamped, registered, and directed to the Chief Clerk of the Assembly and Secretary of the Senate, of the State of California, Sacramento, California, but in the event it is not received, a duplicate of such statement shall be promptly filed upon notice by the clerk of its nonreceipt ;

Preservation  
of state-  
ments

(b) Shall be preserved by the clerk and secretary for a period of two years from the date of filing, shall constitute part of the public records of his office, and shall be open to public inspection.

See also  
Stats. 1950  
(1st Ex-  
sess.),  
Ch. 68  
Application  
of chapter

9905 The provisions of this chapter shall apply to any person, except a political committee, who by himself, or through any agent or employee or other persons in any manner whatsoever, directly or indirectly, solicits, collects, or receives money or any other thing of value to be used principally to aid, or the principal purpose of which person is to aid, in the accomplishment of any of the following purposes :

(a) The passage or defeat of any legislation by the Legislature of the State of California or the approval or veto of any legislation by the Governor of the State of California.

(b) To influence, directly or indirectly, the passage or defeat of any legislation by the Legislature of the State of California or the approval or veto of any legislation by the Governor of the State of California.

See also  
Stats. 1950  
(1st Ex-  
sess.),  
Chs. 68 and  
69  
Who must  
register

9906. (a) Any person who shall engage himself for pay or for any consideration for the purpose of attempting to influence the passage or defeat of any legislation by the Legislature of the State of California or the approval or veto of any legislation by the Governor of the State of California shall,

before doing anything in furtherance of such object, register with the Clerk of the Assembly and the Secretary of the Senate and shall give to those officers in writing and under oath, his name and business address, the name and address of the person by whom he is employed, and in whose interest he appears or works, the duration of such employment, how much he is paid and is to receive, by whom he is paid or is to be paid, how much he is to be paid for expenses, and what expenses are to be included. Each such person so registering shall, between the first and tenth day of each calendar month, so long as his activity continues, file with the clerk and secretary a detailed report under oath of all money received and expended by him during the preceding calendar month in carrying on his work; to whom paid; for what purposes; and the names of any papers, periodicals, magazines, or other publications in which he has caused to be published any articles or editorials; and the proposed legislation he is employed to support or oppose. The provisions of this section shall not apply to any person who merely appears before a committee of the Legislature of the State of California in support of or opposition to legislation; nor to any public official acting in his official capacity, nor in the case of any newspaper or other regularly published periodical (including any individual who owns, publishes, or is employed by any such newspaper or periodical) which in the ordinary course of business publishes news items, editorials, or other comments, or paid advertisements, which directly or indirectly urge the passage or defeat of legislation, if such newspaper, periodical, or individual, engages in no further or other activities in connection with the passage or defeat of such legislation, other than to appear before a committee of the Legislature of the State of California in support of or in opposition to such legislation.

Information required

Report of receipts and expenditures etc

Exceptions

(b) All information required to be filed under the provisions of this section with the Clerk of the Assembly and the Secretary of the Senate shall be compiled by said clerk and secretary, acting jointly, as soon as practicable after the close of the calendar month with respect to which such information is filed and shall be printed in the Journal of Senate and the Journal of the Assembly if the Legislature is in session and if it is not in session as soon as practicable after the Legislature next convenes.

Printing of information in Journals

9907. All reports and statements required under this chapter shall be made under oath, before an officer authorized by law to administer oaths.

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9908. (a) Any person who violates any of the provisions of this chapter, shall, upon conviction, be guilty of a misdemeanor, and shall be punished by a fine of not more than five thousand dollars (\$5,000) or imprisonment for not more than 12 months, or by both such fine and imprisonment.

See also Stats. 1950 (1st Ex Sess.), Ch. 68 Misdemeanor

(b) In addition to the penalties provided for in subsection (a), any person convicted of the misdemeanor specified therein is prohibited, for a period of three years from the date of such

Additional penalty

Felony

conviction, from attempting to influence, directly or indirectly, the passage or defeat of any proposed legislation or from appearing before a committee of the Legislature in support of or opposition to proposed legislation; and any person who violates any provision of this subsection shall, upon conviction thereof, be guilty of a felony, and shall be punished by a fine of not more than ten thousand dollars (\$10,000), or imprisonment for not more than five years, or by both such fine and imprisonment.

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## CHAPTER 5

*An act to add Section 9056 to the Government Code, relating to the solicitation and acceptance of fees to prevent the enactment of legislation.*

In effect  
March 22,  
1950

[Approved by Governor December 29, 1949. Filed with Secretary of State December 29, 1949.]

*The people of the State of California do enact as follows:*

SECTION 1. Section 9056 is added to the Government Code, to read:

Obtaining  
fee to  
prevent  
enactment  
of legisla-  
tion

9056. Any person who shall secure through his influence, knowingly exerted for that purpose, the introduction of any bill, resolution or amendment into the State Legislature and shall thereafter solicit or accept from any person other than a person upon whose request he secured such introduction, any pay or other valuable consideration for preventing or attempting to prevent, the enactment or adoption of such measure, while it retains its original purpose, shall be guilty of a crime and upon conviction thereof shall be punishable by a fine of not exceeding five thousand dollars (\$5,000) or by imprisonment in the county jail for not more than one year or in the state prison for not more than five years, or by both such fine and imprisonment.

Penalty

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## CHAPTER 6

*An act to add Article 13.6 to Chapter 15 of Division 3 of the Education Code, relating to the support of the Public School System, making an appropriation therefor, declaring the urgency thereof, to take effect immediately.*

In effect  
immediately

[Approved by Governor December 30, 1949. Filed with Secretary of State December 30, 1949.]

*The people of the State of California do enact as follows:*

SECTION 1. Article 13.6 is added to Chapter 15 of Division 3 of the Education Code, to read:



Article 13.6. Emergency Apportionments for Growth

7139.1. (a) "Single elementary school district" means an elementary school district which is not included within a union elementary school district, joint union elementary school district, or unified school district.

(b) "Eligible school district" means a single elementary school district which was in existence for all purposes on July 1, 1948 and a union elementary school district, joint union elementary school district, or unified school district which was in existence for all purposes on July 1, 1949 and as to which all of the following are true:

(1) The average daily attendance in the regular full-time day elementary and kindergarten schools of the district for the Fiscal Year 1949-1950 as estimated by the governing board of the district, in the manner prescribed by, and as approved by, the Superintendent of Public Instruction, will exceed the average daily attendance in the regular full-time day elementary and kindergarten schools of the district for the Fiscal Year 1948-1949 by 2 percent if the assessed valuation of the district per unit of actual average daily attendance in the regular full-time day elementary and kindergarten schools of the district for the Fiscal Year 1948-1949 as shown by the 1948 equalized assessment roll of the district is one thousand dollars (\$1,000) or less, and by an additional 1 percent for each one thousand dollars (\$1,000) or fraction of one thousand dollars (\$1,000) the assessed valuation of the district per unit of actual average daily attendance in the regular full-time day elementary and kindergarten schools of the district for the Fiscal Year 1948-1949 as shown by the 1948 equalized assessment roll of the district exceeds one thousand dollars (\$1,000), but in any event by not less than 10 units of average daily attendance.

(2) An apportionment to the district under this article is required, because the number of pupils attending the regular full-time day elementary and kindergarten schools of the district during the Fiscal Year 1949-1950 is in excess of the number of pupils attending such schools during the Fiscal Year 1948-1949, to allow the district to provide essential school services to pupils attending during the Fiscal Year 1949-1950 in such schools and the amount of unallocated funds and revenues, if any, of the district is, or will be, insufficient to meet the emergency thereby created.

(c) "Allowed average daily attendance" means the average daily attendance of a district for the Fiscal Year 1949-1950 as estimated by the governing board of the district and approved by the Superintendent of Public Instruction pursuant to this section less the increase in average daily attendance required to constitute a district an eligible school district under this section.

7139.2. The governing board of an eligible school district may apply to the Superintendent of Public Instruction not later than February 1, 1950 for an apportionment under this article.

Forms, etc

The application shall be made on forms furnished by, and in the manner prescribed by, the Superintendent of Public Instruction. Each application form shall include a certificate signed by a majority of the members of the governing board of the district certifying, in substance, that an apportionment to the district under this article is required, because the number of pupils attending the regular full-time day elementary and kindergarten schools of the district during the Fiscal Year 1949-1950 is in excess of the number of pupils attending such schools during the Fiscal Year 1948-1949, to allow the district to provide essential school services to pupils attending in such schools during the Fiscal Year 1949-1950, and that the amount of unallocated funds and revenues, if any, of the district is, or will be, insufficient to meet the emergency thereby created. The certificate shall also show the amount of such unallocated funds and revenues and the amount thereof available to meet the emergency.

Apportionment Time limit

7139.3. The Superintendent of Public Instruction shall not later than March 1, 1950 make the apportionments provided for in this article.

Allowances Manner of computation

7139.4. The Superintendent of Public Instruction shall allow to each eligible school district as to which all the requirements of this article have been met an amount which he shall determine in the following manner :

(a) He shall compute for each such district the amount of a foundation program for school support under Article 4 of this chapter and Section 7091 except that such foundation program shall be computed on the allowed average daily attendance of the district.

(b) He shall compute the amount of district aid for such district under Article 9 of this chapter or Section 7091, as the case may be, except that in making such computation the assessed valuation used shall be that shown by the current equalized assessment roll of the district.

(c) He shall compute the amount of basic state aid for such district under Article 6 of this chapter except that in making such computation the average daily attendance of the district used shall be the allowed average daily attendance of the district.

(d) He shall then deduct from the amount of the foundation program computed under this section the amount of district aid computed for the district under this section.

(e) He shall then compare the amounts computed for such district under (c) and (d) and from the larger of the amounts, he shall deduct (1) the total of basic state aid and state equalization aid allowed to the district during the Fiscal Year 1949-1950 under Articles 6 and 10 of this chapter on account of the average daily attendance in the regular full-time day elementary and kindergarten schools of the district during the Fiscal Year 1948-1949, subject to adjustment in the ratio determined under Section 7111 for the principal apportionment, and (2) the amount of unallocated funds and revenues of the district avail-

able to meet the emergency as shown by the certificate of the governing board of the district required under Section 7139.2 and approved by the Superintendent of Public Instruction.

7139.5. The amount allowed by the Superintendent of Public Instruction to a district under Section 7139.4 shall be apportioned by him to the district. Apportionment to district

7139.6. If the actual average daily attendance in the regular full-time day elementary and kindergarten schools of the district for the Fiscal Year 1949-1950 shall prove to be less than the estimated average daily attendance of the district used in computing the allowed average daily attendance of the district under Section 7139.1, the amount apportioned to the district under this article in excess of what would have been apportioned had such estimated average daily attendance and the actual average daily attendance been the same, shall be certified by the Superintendent of Public Instruction to the State Controller who shall deduct such amount from the apportionments made to such district from the State School Fund during the Fiscal Year 1950-1951 and shall pay the amount deducted into the State General Fund. Apportionment where average daily attendance below estimated attendance

7139.7. The Superintendent of Public Instruction shall furnish abstracts of the apportionments made under this article to the State Controller, the Department of Finance, and to the county and city and county auditors, county and city and county treasurers, and county superintendents of schools of the several counties of the State having jurisdiction over the districts to which such apportionments are made. Abstracts of apportionments

7139.8. The Superintendent of Public Instruction shall certify each apportionment made by him under this article to the State Controller who shall draw his warrant during the fiscal year on the funds appropriated by this act in favor of the treasurer of the county having jurisdiction over the district for the amount of such apportionment. Certification of apportionments

7139.9. All money received by the treasurer of any county from an apportionment made under this article shall be immediately credited by the treasurer to the general fund of the district exactly as apportioned by the Superintendent of Public Instruction. Moneys received

7139.10. The governing board of a high school district may apply to the Superintendent of Public Instruction in the form and manner prescribed by him for an apportionment from the funds available under Article 3 or under Article 13.6 of this chapter because of growth in the number of pupils attending the regular full-time day schools if the number of pupils attending the regular full-time day schools of the district during the Fiscal Year 1949-1950 is in excess of the number of pupils attending such schools during the Fiscal Year 1948-1949 and a majority of the members of the governing board of the district so certify. The Superintendent of Public Instruction may apportion to such district from said funds such amount as in his judgment is necessary because of emergency conditions existing in the district. The provisions of Sections 7139.7, 7139.8, Additional emergency apportionments

and 7139.9 shall apply to such apportionments. Nothing in this section shall prohibit the governing board of such high school from applying for and receiving an allowance under Article 3 of this chapter for any other purpose, subject to the provisions of said article.

Presumption  
re prior  
existence

7139.11. For the purposes of this article a union elementary school district, or joint union elementary school district, or unified school district which was not in existence prior to July 1, 1949, shall, as now constituted, be deemed to have been in existence on July 1, 1948.

Termination

7139.12. This article shall remain in effect to and including June 30, 1950.

Appropriation

SEC. 2. There is hereby appropriated for the purposes of this act the sum of two million one hundred thousand dollars (\$2,100,000), of which sum there is hereby appropriated the sum of two million dollars (\$2,000,000) from the General Fund of the State and the sum of one hundred thousand dollars (\$100,000) from the Emergency Fund appropriated by Item 273 of the Budget Act of 1949, or so much of the total appropriation as may be necessary, to be apportioned by the Superintendent of Public Instruction to school districts during the Fiscal Year 1949-1950 under the provisions of this act. No apportionments shall be made from the State School Fund nor any moneys transferred from the General Fund of the State to the State School Fund because of the enactment of this act.

Limitation

Urgency

SEC. 3. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health, and safety within the meaning of Section 1 of Article IV of the Constitution and shall therefore go into immediate effect. A statement of the facts constituting such necessity is as follows:

The increase in the number of pupils attending in school districts during the current fiscal year over that of the last preceding fiscal year is such that many school districts will be unable to provide for the operation and maintenance of necessary schools during the current fiscal year without immediate financial assistance from the State. Inasmuch as this act provides the immediate financial assistance required, it is necessary that it take effect immediately.

## CHAPTER 7

*An act to call a special election to be consolidated with the direct primary election of 1950 and to provide for the submission to the electors of the State at such consolidated election Assembly Constitutional Amendment No. 28 of the 1949 Regular Session and an amendment to the Constitution of the State, proposed by the Legislature at the First Extraordinary Session of 1949, confirming and validating the Veterans Bond Act of 1949 and making said bond act fully effective, and to amend the title and Section 2 of, and*

*to repeal Sections 3, 4, and 5 of Chapter 1267 of the Statutes of 1949, relating to the creation of a debt or debts, liability or liabilities through the issuance and sale of state bonds to be used and disbursed to provide home and farm aid for veterans in accordance with the provisions of the Veterans Farm and Home Purchase Act of 1943 and acts amendatory of and supplemental to said act of 1943, declaring the urgency of this act, to take effect immediately.*

Stats 1943  
p 2981

[Approved by Governor January 4, 1950 Filed with Secretary of State January 4, 1950.]

In effect immediately

*The people of the State of California do enact as follows:*

SECTION 1. A special election is hereby called to be held throughout the State on the sixth day of June, 1950. Such special election shall be consolidated with the direct primary election to be held on said date. The consolidated election shall be held and conducted in all respects as if there were only one election and the propositions to be voted upon shall be printed on the partisan and nonpartisan ballots used at said election. Except as otherwise provided in this act, all of the provisions of law relating to the submission of measures proposed by the Legislature shall apply to measures submitted pursuant to this act.

Special election

Consolidation

SEC. 2. At said special election there shall be submitted to the electors Assembly Constitutional Amendment No. 28 of the 1949 Regular Session of the Legislature (Resolution Chapter 149) and a certain amendment to the Constitution of the State of California, proposed by the Legislature at the First Extraordinary Session of 1949, relating to the issuance of bonds of the State to provide funds for farm and home aid for veterans, and validating and making effective the Veterans Bond Act of 1949.

Measures submitted

SEC. 3. The special election provided for in this act shall be proclaimed, held, conducted, the ballots shall be prepared, marked, collected, counted and canvassed and the results shall be ascertained and the returns thereof made in all respects in accordance with the provisions of the Constitution applicable thereto and the law governing general elections insofar as provisions thereof are applicable to the election provided for in this act.

Procedures, etc

SEC. 4. In regard to each such proposed constitutional amendment, the presiding officer of the house in which such proposed constitutional amendment originates shall immediately appoint the author or one of the authors of such proposed constitutional amendment and one member of the same house who voted in favor thereof to draft an argument giving the reasons for the adoption thereof, and he shall also appoint a member of the same house who voted against such proposed constitutional amendment to draft an argument against the adoption thereof. If no member of such house voted against such proposed amendment the presiding officer shall appoint a qualified person to draft such argument. Each argument shall consist of not

Preparation of argument

more than 500 words and shall be submitted by the author or authors to the Secretary of State on or before January 26, 1950 or on or before the tenth day after this act takes effect, whichever is the later.

Ballot titles

SEC. 5. On or before January 26, 1950, or on or before the tenth day after this act takes effect, whichever is later, the Attorney General shall prepare and deliver to the Secretary of State a valid ballot title for such measure and the Legislative Counsel shall prepare and deliver to the Secretary of State an impartial analysis of the measure showing the effect thereof on the existing law and the operation of the measure.

Veterans  
Bond Act  
of 1949

SEC. 6. The title of Chapter 1267 of the Statutes of 1949 is amended to read:

An act to add Article 5B (Veterans Bond Act of 1949) to Chapter 6 of Division 4 of the Military and Veterans Code, authorizing the creation of a debt or debts, liability or liabilities, through the issuance and sale of state bonds, to create a fund to provide farm and home aid for veterans in accordance with the provisions of the Veterans Farm and Home Purchase Act of 1943 and acts amendatory and supplemental thereto; defining the powers and duties of said committee and of the Department of Veterans Affairs and other state officers in respect to the administration of the provisions hereof; providing ways and means, exclusive of loans, for the payment of the interest of such debt or debts, liability or liabilities, as such interest falls due, and also for the payment and discharge of the principal of such debt or debts, liability or liabilities, as such principal matures; and providing that this act shall take effect upon the adoption by the people of the State of California of an amendment to the Constitution of the State of California approving, adopting, legalizing, ratifying, validating and making fully and completely effective said Veterans Bond Act of 1949.

Stats 1943,  
p 2981

SEC. 7. Section 2 of Chapter 1267 of the Statutes of 1949 is amended to read:

Effective  
date

Sec. 2. This act shall take effect upon the adoption by the people of the State of California of an amendment to the Constitution of the State of California approving, adopting, legalizing, ratifying, validating and making fully and completely effective the Veterans Bond Act of 1949.

Repeal  
Urgency

SEC. 8. Sections 3, 4, and 5 of said chapter are repealed.

SEC. 9. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

(1) The program for state assistance to veterans in financing farm and home purchases has proved to be successful and provides a method for relieving, in part, the shortage of housing accommodations resulting from the great increase in the population of this State. The question of the expansion of this program as contemplated by the Veterans Bond Act of 1949 should be

submitted to the electors of this State as soon as possible in order that the benefits of the program may be extended to a great number of veterans and their families for whom adequate housing facilities are urgently needed.

(2) The matter of the assessment of the possessory interests of veterans in farms and homes which they are purchasing from the Veterans Welfare Board has been the subject of a court decision under which the entire value of the property may be assessed against the veteran regardless of the fact that the value of his interest is only a fraction of the value of the property. At the 1949 Regular Session the Legislature passed and the Governor approved a statute which provides for the assessment of such a veteran's interest on the basis of the extent of his interest in the property. This equitable solution of the problem of assessing such property is contingent upon the adoption of a constitutional amendment which has already been proposed by the Legislature as Assembly Constitutional Amendment No. 28 of the 1949 Regular Session. The submission of said constitutional amendment to the electors at an early date, as provided in this act, is, therefore, necessary to protect the interests of such veterans and to encourage their participation in the veterans farm and home purchase program, thereby increasing the benefits of said program both to the veterans and to the State

## CHAPTER 8

*An act making an appropriation to the counties and cities and counties of the State for expenditure during the 1949-1950 Fiscal Year for aid to the aged and aid to the needy blind, providing for the method of computation, payment, and disbursement thereof, and declaring the urgency thereof, to take effect immediately.*

[Approved by Governor January 5, 1950 Filed with  
Secretary of State January 5, 1950 ]

In effect  
immediately

*The people of the State of California do enact as follows:*

SECTION 1. The State shall pay to every county within the State providing aid to the aged under the Old Age Security Law (Chapter 1 of Division 3 of the Welfare and Institutions Code) a sum equal to the full amount expended for such aid by the county, from the time Article XXVII of the State Constitution becomes both effective and operative until July 1, 1950, excluding any payments of such aid for any time after June 30, 1950, after deducting therefrom the amount of any sum received by the State from the United States as old-age assistance and paid by the State to the county pursuant to the provisions of the Welfare and Institutions Code for that period.

Aid to aged  
Payment to  
counties

Funds paid to any county under this section shall be used exclusively for the purpose specified in this section, and the county shall remain accountable therefor.

Use of funds

Effective  
period of  
section

This section shall remain in effect until July 1, 1950. While this section is in effect it shall supersede Section 2021 of the Welfare and Institutions Code, and wherever in any provision of law reference is made to the said Section 2021, such reference shall be deemed to refer to this section; but Section 2021 of the Welfare and Institutions Code is not repealed by this section, and after this section is no longer effective Section 2021 of the Welfare and Institutions Code shall have the same force and effect as though this section had not been enacted.

Procedur-  
e  
for  
payment

SEC. 2. The sums to be paid to the counties under Section 1 of this act shall be computed, paid, reported, and audited in the manner set forth in Sections 2188 and 2189 of the Welfare and Institutions Code, except that on or before February 20, 1950, the State Department of Social Welfare, from the records of the department, shall estimate the amount to be expended by each county for aid to the aged under the Old Age Security Law during the calendar month of March, 1950, and shall certify to the State Controller the amounts so estimated by it, and the State Controller shall thereupon draw the necessary warrants, and, prior to audit or settlement by the State Department of Social Welfare and the Controller, the State Treasurer shall pay to the treasurer of each county the amount so certified.

Effective  
period of  
section

This section shall remain in effect until July 1, 1950. While this section is in effect it shall supersede Section 2187 of the Welfare and Institutions Code, and wherever in any provision of law reference is made to the said Section 2187, such reference shall be deemed to refer to this section; but Section 2187 of the Welfare and Institutions Code is not repealed by this section, and after this section is no longer effective Section 2187 of the Welfare and Institutions Code shall have the same force and effect as though this section had not been enacted.

Determina-  
tion, etc., of  
persons  
eligible to  
receive aid

SEC. 3. On or before February 20, 1950, the State Department of Social Welfare, with the approval of the Social Welfare Board, shall determine as accurately as possible from its records and such investigation as may be necessary and feasible and shall certify to each county the names of persons who will be entitled to receive aid to the aged under the Old Age Security Law from the county for the calendar month of March, 1950, or any part thereof, in accordance with the rules of the Social Welfare Board and the laws which will be in effect and operative on March 1, 1950, together with the amount of the grant which each such person will be entitled to receive for the calendar month of March, 1950, or any part thereof. The county may accept that certification of the State Department of Social Welfare in lieu of the determination of eligibility and amount of grant otherwise required to be made by the county, or any officer or agency thereof, and the county may disburse the sums specified to those persons in accordance with that certification. No item of aid for the month of March, 1950, disbursed by the county in accordance with that certification shall thereafter be disallowed by the State or any officer or agency thereof, or charged to or against the county in the computation and pay-



ment of state assistance to the county for any future period of time.

SEC. 4. The State shall pay to every county within the State providing aid to needy blind persons under Chapter 1 of Part 1 of Division 5 of the Welfare and Institutions Code a sum equal to the full amount expended for such aid by the county, from the time Article XXVII of the Constitution becomes both effective and operative until July 1, 1950, excluding any payments of such aid for any time after June 30, 1950, after deducting therefrom the amount of any sum received by the State from the United States for aid to the needy blind and paid by the State to the county pursuant to the provisions of the Welfare and Institutions Code for that period.

Aid to needy  
blind. Pay-  
ment to  
counties

Funds paid to any county under this section shall be used exclusively for the purpose specified in this section, and the county shall remain accountable therefor.

Use of funds

This section shall remain in effect until July 1, 1950. While this section is in effect it shall supersede Section 3025 of the Welfare and Institutions Code, and wherever in any provision of law reference is made to the said Section 3025, such reference shall be deemed to refer to this section; but Section 3025 of the Welfare and Institutions Code is not repealed by this section, and after this section is no longer effective Section 3025 of the Welfare and Institutions Code shall have the same force and effect as though this section had not been enacted.

Effective  
period of  
section

SEC. 5. The sums to be paid to the counties under Section 4 of this act shall be computed, paid, reported, and audited in the manner set forth in Sections 3087.2 and 3087.3 of the Welfare and Institutions Code, except that on or before February 20, 1950, the State Department of Social Welfare, from the records of the department, shall estimate the amount to be expended by each county for aid to the needy blind under Chapter 1, Part 1, Division 5 of the Welfare and Institutions Code during the calendar month of March, 1950, and shall certify to the State Controller the amounts so estimated by it, and the State Controller shall thereupon draw the necessary warrants, and, prior to audit or settlement by the State Department of Social Welfare and the Controller, the State Treasurer shall pay to the treasurer of each county the amount so certified.

Procedure  
for payment

This section shall remain in effect until July 1, 1950. While this section is in effect it shall supersede Section 3087.1 of the Welfare and Institutions Code, and wherever in any provision of law reference is made to the said Section 3087.1, such reference shall be deemed to refer to this section; but Section 3087.1 of the Welfare and Institutions Code is not repealed by this section, and after this section is no longer effective Section 3087.1 of the Welfare and Institutions Code shall have the same force and effect as though this section had not been enacted.

Effective  
period of  
section

SEC. 6. On or before February 20, 1950, the State Department of Social Welfare, with the approval of the Social Welfare Board, shall determine as accurately as possible from its records and such investigation as may be necessary and feasible and

Determina-  
tion, etc. of  
persons  
eligible to  
receive aid

shall certify to each county the names of persons who will be entitled to receive aid to the needy blind under Chapter 1, Part 1, Division 5 of the Welfare and Institutions Code from the county for the calendar month of March, 1950, or any part thereof, in accordance with the rules of the Social Welfare Board and the laws which will be in effect and operative on March 1, 1950, together with the amount of the grant which each such person will be entitled to receive for the calendar month of March, 1950, or any part thereof. The county may accept that certification of the State Department of Social Welfare in lieu of the determination of eligibility and amount of grant otherwise required to be made by the county, or any officer or agency thereof, and the county may disburse the sums specified to those persons in accordance with that certification. No item of aid for the month of March, 1950, disbursed by the county in accordance with that certification shall thereafter be disallowed by the State or any officer or agency thereof, or charged to or against the county in the computation and payment of State assistance to the county for any future period of time.

“County”  
“Social Welfare Board”

SEC. 7. As used in this act, “county” includes “city and county,” and “Social Welfare Board” means the board appointed by the Governor pursuant to Section 101 of the Welfare and Institutions Code

Rules and regulations

SEC. 8. The Social Welfare Board shall adopt and distribute to the counties as soon as possible and in any event prior to March 1, 1950, such rules and regulations consistent with the laws to be in effect and operative on and after March 1, 1950, as may be necessary or convenient for the administration of aid to the aged and aid to the needy blind on and after March 1, 1950, and the expenditure of the sums to be paid to the counties under this act, including but not limited to rules and regulations to facilitate determination of the eligibility of individuals to receive such aid and the amount of the grant to which each eligible individual is entitled.

Appropriation

SEC. 9. There is hereby appropriated out of any money in the General Fund the amount necessary to carry out the provisions of Sections 1 and 4 of this act.

Operative date

SEC. 10. This act shall become operative at the time it takes effect, and shall continue in effect until July 1, 1950, but shall have no force or effect after June 30, 1950. This act shall be considered to be the latest legislative expression upon the matters herein contained, and it is the intention of the Legislature that wherever in this act provision is made that any section of the Welfare and Institutions Code is superseded by any provision of this act, such provision refers to that section of the Welfare and Institutions Code as re-enacted, revived and declared to be fully and completely effective by subdivision (b) of Section 3 of Article XXVII of the Constitution.

Termination  
Legislative intent

Urgency

SEC. 11. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall

go into immediate effect. The facts constituting such necessity are:

By the adoption of Proposition No. 2 at the special state election held on November 8, 1949, Article XXVII was added to the Constitution, transferring to the counties certain functions of administering and disbursing aid to the aged and aid to the needy blind heretofore exercised by the State. Article XXVII will become operative on March 1, 1950. It requires the counties to disburse to recipients of such aid moneys not now available to the counties. To provide the necessary moneys, and so to prevent any delay or interruption in carrying out the state plans for old age assistance and aid to the needy blind and in the payment of aid to the aged and aid to the needy blind to the individuals eligible therefor, it is necessary that this act take effect immediately.

## CHAPTER 9

*An act making an appropriation to the counties and cities and counties of the State for the cost of administration of aid to the aged and aid to the needy blind during the 1949-1950 Fiscal Year, and declaring the urgency thereof, to take effect immediately.*

[Approved by Governor January 5, 1950 Filed with  
Secretary of State January 5, 1950 ]

In effect  
immediately

*The people of the State of California do enact as follows:*

SECTION 1. In addition to any moneys made available by the United States Government to this State for the costs of administering the state plan for old-age assistance and the state plan for aid to the needy blind and paid to the counties under Part 2 of Section 2186 and Part 2 of Section 3087 of the Welfare and Institutions Code, respectively, the State shall pay to each county the full amount of the obligations incurred by the county from the effective date of this act until July 1, 1950, for administration of aid to the aged and aid to the needy blind, including the cost of disbursement thereof, after deducting therefrom the amount paid to the county under Part 2 of Section 2186 and Part 2 of Section 3087 of the Welfare and Institutions Code, as found necessary by the State Department of Social Welfare, with the approval of the State Department of Finance, for the proper and efficient administration of such aid.

The amounts provided for in this section shall be computed and paid for each quarter in the manner provided in Section 2188 of the Welfare and Institutions Code, except that the State Department of Social Welfare shall not certify the amount estimated by it for any county for any quarter to the State Controller until its estimate has first been approved by the State Department of Finance, and the State Controller shall not draw the necessary warrants until the certification of the State

Appropriation

Computation and payment

Department of Social Welfare has also been approved by the State Department of Finance.

Use of funds

Funds paid to any county under this section shall be used exclusively for the purposes specified in this section, and the county shall remain accountable therefor, and shall make reports at times and in the manner prescribed by the State Department of Social Welfare. Such reports shall be audited by the State Department of Social Welfare and the State Controller and, when and in the amount approved, shall be allowed to the county as a credit to apply against advances made under the terms of Section 2188.

Limitation

SEC. 2. The moneys paid to the counties under Section 1 of this act, not to exceed the sum of two million dollars (\$2,000,000), shall be paid from the sum appropriated by Item 261 of the Budget Act of 1949 for the support of the State Department of Social Welfare.

"County"

SEC. 3. As used in this act, "county" includes "city and county," and "counties" includes "cities and counties."

"Counties"

Urgency

SEC. 4. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Section 1 of Article IV of the Constitution and shall therefore go into immediate effect. A statement of the facts constituting such necessity is as follows:

By the adoption of Proposition No. 2 at the special state election held on November 8, 1949, Article XXVII was added to the Constitution, transferring to the counties of the State certain functions of administering aid to the aged and aid to the blind. Article XXVII will become fully operative on March 1, 1950, and preparation for the exercise of those functions must be made by the counties prior to that date. Money to pay the county cost of administration of aid to the aged and aid to the needy blind during the 1949-1950 Fiscal Year and of preparation therefor is not available to the counties. To make the necessary moneys available, and so to prevent any delay or interruptions in the administration of the state programs of aid to the aged and aid to the needy blind, and in payment of such aid to needy individuals eligible therefor, it is necessary that this act take effect immediately.

## CHAPTER 10

*An act relating to personnel for the administration of aid to the aged and aid to the needy blind, providing for the separation from state service of certain employees engaged in such administration in the State Department of Social Welfare, requiring the reemployment by the counties of certain personnel now employed by the State for such administration, prescribing the procedure for layoff of employees of county social welfare departments, specify-*

*ing the rights of personnel affected by this act, and repealing Section 18599 of the Government Code, declaring the urgency hereof, to take effect immediately.*

[Approved by Governor January 5, 1950 Filed with Secretary of State January 5, 1950 ]

In effect immediately

*The people of the State of California do enact as follows:*

SECTION 1. Notwithstanding any other law or county charter, ordinance, or rule to the contrary, the provisions of this act shall govern any layoff of employees from the State Department of Social Welfare and any reemployment of persons by the counties of the State which results from the resumption by the counties of the function of administration of old age and blind security pursuant to Article XXVII of the Constitution. Scope of act

SEC. 2. In any layoff of employees of the State Department of Social Welfare, including employees entitled to reemployment by the counties as provided in this act, resulting from the enactment of Article XXVII, such employees shall be laid off by class and with the approval of the State Personnel Board, by designated geographical, organizational, or functional subdivisions. Such layoffs shall be made in the following group sequence and shall be subject to the following provisions, notwithstanding other provisions of law or rules to the contrary: Layoffs by State Procedure

(1) All emergency, temporary, and limited term employees in that order.

(2) All other employees of the department who were appointed to state positions on or after January 1, 1949.

(3) All other employees of the department who were appointed prior to January 1, 1949.

In determining the order in which persons shall be laid off within Group (2), employees shall be ranked according to their total seniority in years, months, and days, counting both state and county service in the same or related classes. The employees in each class under consideration having the lowest seniority score shall be laid off up to the number of positions to be abolished or discontinued. Only the names of employees thus laid off who gained probationary or permanent state civil service status as a result of appointment from state employment lists shall be placed upon state reemployment lists. The names of employees shall be placed on these lists by class in accordance with their relative scores for efficiency and seniority in the state service. Other employees who are so laid off shall not be placed upon state reemployment lists.

The order in which persons in Group (3) shall be laid off and placed on reemployment lists shall be in accordance with the provisions of Article 2 of Chapter 8 of the State Civil Service Act.

SEC. 3. Each employee of the department on February 28, 1950, who was appointed to his position in the State Department of Social Welfare in accordance with the provisions of Reemployment by county.

Section 18598 of the Government Code and subdivision (b) of Section 107 of the Welfare and Institutions Code shall be reemployed by the county by which he was employed immediately prior to such state appointment when that county resumes the functions of old age and blind security. He shall receive the same classification, salary, rights, seniority, and status as a probationary or permanent employee that he last had in such county, except:

Procedure

(a) Time served in such state employment shall be applied toward completion of any probationary period.

(b) Each employee shall receive the sick leave and vacation credits that he had accumulated as of the time he accepted state employment, less any sick leave or vacation taken or paid for after his separation from county service.

(c) For the accumulation of credits for vacation, sick leave, seniority, and salary adjustment, time spent in state service shall be credited to such an employee, but in no event shall such credits exceed the credits to which the employee would be entitled if he had rendered like service to the county.

Layoffs by  
county  
Procedure

SEC. 4. If, as a result of the reemployment of such persons, a layoff among the employees of a county welfare department is made necessary, such layoffs shall be made in accordance with existing county civil service or State Department of Social Welfare merit system laws and regulations, except that in computing seniority for layoff purposes persons who accepted state employment under the provisions of Section 18598 of the Government Code or subdivision (b) of Section 107 of the Welfare and Institutions Code shall be given credit by the county for the period during which they were so employed by the State Department of Social Welfare, as though the time had been spent in county service.

Power of  
Department  
of Social  
Welfare

SEC. 5. The State Department of Social Welfare shall have a supervisory power, including the promulgation of any rules it determines to be necessary, to insure compliance with the provisions of Sections 3 and 4 of this act, to the end that this State shall at all times conform to the requirements of federal law for the continued receipt of federal grants-in-aid.

Repeal

SEC. 6. Section 18599 of the Government Code is repealed.

Limitation

SEC. 7. Nothing in this act shall be deemed to constitute a declaration of policy for or against state or county administration of aid to the aged and aid to the needy blind, and this act shall be inoperative if the State administers such aid programs for the period from March 1, 1950, to June 30, 1950 inclusive.

Urgency

SEC. 8. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

By the adoption of Proposition No. 2 at the state election held on November 8, 1949, Article XXVII was added to the Constitution transferring to the counties of the State the func-

tions of administering aid to the aged and aid to the blind. The provisions of this constitutional amendment become operative on March 1, 1950. In order to provide for the continued operation of the program of aid to the aged and blind in an orderly manner, without interruption or delay in the payment of such aid and without loss of federal aid, it is necessary that this act take effect immediately, in order to provide for the termination of employment of persons now employed by the State in the administration of this program, so that personnel will be available to the counties, and to require the counties to reemploy those persons now employed by the State who were formerly employed by the several counties in the performance of these functions.

## CHAPTER 11

*An act to provide for the retirement rights of state welfare personnel entering county employment as a result of the operation of Article XXVII of the Constitution, providing for the disposition of retirement contributions by and in respect to such persons, making an appropriation, and declaring the urgency thereof, to take effect immediately*

[Approved by Governor January 5, 1950 Filed with  
Secretary of State January 5, 1950 ]

In effect  
immediately

*The people of the State of California do enact as follows:*

SECTION 1 Whenever, as a result of the resumption by the counties pursuant to Article XXVII of the Constitution of functions relating to the administration of aid to the aged and aid to the needy blind theretofore performed by the State, any member of the State Employees' Retirement System ceases to be employed by the State and is employed by a county having a county employees' retirement system, the Board of Administration of the State Employees' Retirement System shall:

Transfer of  
employees  
to counties  
Retirement  
systems

(a) Certify to the board of retirement of the county employees' retirement system the state service with which the member was entitled to be credited by the State Employees' Retirement System at the time of cessation of his state employment; and

(b) Notwithstanding any provision of the State Employees' Retirement Law to the contrary, in lieu of paying to the member the normal contributions, together with interest thereon, standing to his credit, pay to the employees' retirement fund of the county by which he is employed the normal contributions of the member, together with the interest credited thereto, which amount shall be credited to the individual account of the member in the county employees' retirement system, and shall thereafter for all purposes be deemed to be the member's contributions to that system in respect to the service certified to the retirement board of that system by the Board of Administration of the State Employees' Retirement System; and

(c) Pay to the employees' retirement fund of the county by which the person is employed an amount equal to the amount paid into that fund pursuant to subdivision (b) of this section, which amount shall thereafter for all purposes be deemed to be the contributions of the employer county to that system in respect to the service of the member certified to the retirement board of that system by the Board of Administration of the State Employees' Retirement System.

Exception

This section does not apply to or in respect to any person who, upon the cessation of his employment by the State, is employed by a county which has contracted with the Board of Administration of the State Employees' Retirement System for the inclusion of all or any part of its employees as members of the State Employees' Retirement System.

SEC. 2. Section 31654 is added to the Government Code, to read:

Persons reem-  
ployed by  
county.  
Retirement

31654. Whenever, as a result of the resumption by the counties pursuant to Article XXVII of the Constitution of functions relating to the administration of aid to the aged and aid to the needy blind theretofore performed by the State, any person ceases to be employed by the State and is employed by a county in which this chapter has become operative, the person shall become a member of the retirement association of the county immediately upon his entrance into the county service.

Credit for  
State service

Any such member of a county retirement system shall be entitled to credit in the county retirement system for service for which he was entitled to credit in the State Employees' Retirement System at the time of cessation of his employment by the State, without the necessity of payment of any additional contributions in respect to that service, when and if (a) the board of retirement receives certification from the Board of Administration of the State Employees' Retirement System of the state service with which the person was entitled to be credited by the State Employees' Retirement System at the time of cessation of his state employment; and (b) there is paid into the employees' retirement fund of the county an amount equal to the normal contributions of the person to the State Employees' Retirement System, together with the interest credited thereto, which amount shall be credited to the individual account of the member in the county employees' retirement system, and shall thereafter for all purposes be deemed to be the member's contributions to the county retirement system in respect to the service so certified; and (c) there is paid into the employees' retirement fund of the county an additional amount equal to the amount of such normal contributions, together with the interest credited thereto, which additional amount shall thereafter for all purposes be deemed to be the contributions of the employer county to the county retirement system in respect to the service so certified.

Appropriation

SEC. 3. There is hereby appropriated out of the State Employees' Retirement Fund the sum necessary to carry out the provisions of Section 1 of this act.



SEC. 4. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

By the adoption of Proposition No. 2 at the general state election held on November 8, 1949, Article XXVII was added to the Constitution, reimposing upon the counties of the State certain functions of administering aid to the aged and aid to the blind. Article XXVII requires that these functions be conducted by the counties on and after March 1, 1950. In order to conduct the functions in a proper manner and without loss of federal aid, it is necessary that trained employees appointed pursuant to a merit system be immediately secured, and the only trained employees available for this work are those who have theretofore been performing the function for the State. In order to make these employees available for county employment and to protect their retirement rights, it is necessary that this act take effect immediately.

## CHAPTER 12

*An act to amend an act entitled "An act creating a State Bureau of Criminal Identification and Investigation, providing for its organization and defining its powers and duties and making an appropriation to carry out the provisions hereof, and repealing an act entitled 'An act to create a State Bureau of Criminal Identification, and providing for the appointment of a director of said bureau, defining his duties and qualifications and powers; providing for the appointment of a clerk of said bureau and fixing his qualifications; fixing compensation of said director and clerk, providing for the manner of paying the same and providing for the expense of conducting the office,' approved March 20, 1905," approved May 31, 1917, as amended, relating to the submission of information to the bureau, and declaring the urgency thereof, to take effect immediately.*

Stats 1917,  
p 1391,  
amended

[Approved by Governor January 6, 1950. Filed with Secretary of State January 6, 1950.]

In effect immediately

*The people of the State of California do enact as follows:*

SECTION 1. Section 8 of the act cited in the title hereof is amended to read:

Sec. 8. It is hereby made the duty of the sheriffs of the several counties of the State of California, the chiefs of police of incorporated cities therein and marshals of incorporated cities and towns therein to furnish to said bureau daily copies of fingerprints on standardized eight by eight inch cards, and descriptions of all persons, without exception, who have been

Fingerprints  
Daily copies  
furnished

arrested for the commission of any offense defined in Sections 266, 267, 268, 285, 286, 288, 288a, 647a, subdivision 5 of Section 647, subdivision 3 or 4 of Section 261, or subdivision 1 or 2 of Section 311 of the Penal Code, or of any offense involving lewd and lascivious conduct under Section 702 of the Welfare and Institutions Code. It is further made the duty of the aforesaid sheriffs, chiefs of police, and city marshals to furnish to said bureau daily copies of fingerprints on standardized eight by eight inch cards, and descriptions of all persons arrested who in the best judgment of such sheriffs, chiefs of police, or city marshals are persons wanted for serious crimes, or are fugitives from justice, or of all such persons in whose possession at the time of arrest are found goods or property reasonably believed by such sheriffs, chiefs of police or city marshals to have been stolen by them; or of all such persons in whose possession are found burglar outfits or burglar keys or who have in their possession high power explosives reasonably believed to be used or intended to be used for unlawful purposes or who are in possession of infernal machines, bombs or other contrivances in whole or in part and reasonably believed by said sheriffs, chiefs of police and city marshals to be used or intended to be used for unlawful purposes, or of all persons who carry concealed firearms or other deadly weapons and reasonably believed to be carried for unlawful purposes, or who have in their possession inks, dye, paper or other articles necessary in the making of counterfeit bank notes, or in the alteration of bank notes, checks, drafts or other instruments of credit; or dies, molds or other articles necessary in the making of counterfeit money, and reasonably believed to be used or intended to be used by them for such unlawful purposes. It shall also be the duty of the aforesaid sheriffs, chiefs of police or city marshals to furnish to said bureau daily reports on standard forms to be prepared by said bureau listing all violations of any offense defined in Section 647a, subdivision 5 of Section 647, subdivision 1 or 2 of Section 311 of the Penal Code, and any offense involving lewd and lascivious conduct under Section 702 of the Welfare and Institutions Code and all felonies committed in their respective jurisdiction, and describing the nature and character and noting all peculiar circumstances of each such crime together with any additional or supplemental data or information including all statements and conversations of persons arrested, listing any crime theretofore reported which may be of aid in the investigation of such crime and the apprehension and conviction of the perpetrators thereof. It is further made the duty of the aforesaid sheriffs, chiefs of police or city marshals to furnish said bureau daily reports of lost, stolen, found, pledged or pawned property received into their respective offices.

Reports of  
sex  
offenses

Reports of  
stolen, etc.,  
property

Urgency

SEC. 2. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The recent large increase in the number of crimes involving sex offenses has posed an immediate danger to the health, safety, and welfare of the citizens of this State. This situation has become so serious that the Governor has called a special session to consider and act upon legislation relating to sex offenses. To safeguard the health and morals of the younger generation of this State, it is necessary that this act take effect immediately.

## CHAPTER 13

*An act to amend Section 290 of the Penal Code, relating to registration of persons convicted of sex offenses and declaring the urgency thereof, to take effect immediately.*

[Approved by Governor January 6, 1950 Filed with Secretary of State January 6, 1950.]

In effect immediately

*The people of the State of California do enact as follows:*

**SECTION 1.** Section 290 of the Penal Code is amended to read:

290. Any person who, since the first day of July, 1944, has been or is hereafter convicted in the State of California of any offense defined in Sections 266, 267, 268, 285, 286, 288, 288a, 647a, subdivision 3 or 4 of Section 261, subdivision 5 of Section 647, or subdivision 1 or 2 of Section 311 of this code, or of any offense involving lewd and lascivious conduct under Section 702 of the Welfare and Institutions Code; or any person who since said date has been or is hereafter convicted of the attempt to commit any of the above-mentioned offenses; or any person who since said date or at any time hereafter is discharged or paroled from a penal institution where he was confined because of the commission or attempt to commit one of the above-mentioned offenses; or any person who since said date or at any time hereafter is determined to be a sexual psychopath under the provisions of Chapter 1 of Part 1 of Division 6 of the Welfare and Institutions Code; or any person who has been since said date or is hereafter convicted in any other state of any offense which, if committed in this State, would have been punishable under one or more of the above-mentioned sections shall within 30 days after the effective date of this section or within 30 days of his coming into any county in which he resides or is temporarily domiciled for such length of time register with the sheriff of such county, except that in a consolidated city and county such registration shall be with the chief of police.

Such registration shall consist of (a) a statement in writing signed by such person, giving such information as may be required by the State Bureau of Criminal Identification, and (b) the fingerprints and photograph of such person. Within three days thereafter the sheriff shall forward such statement, fingerprints and photograph to the State Bureau of Criminal Identification and Investigation, and shall forward a copy of

See also  
Stats 1950  
(1st Ex  
Sess.),  
Ch 70  
Registration  
of sex  
offenders

Procedure

such statement, fingerprints, and photographs to any chief of police having jurisdiction of the place where the person resides.

Change of  
address

Any person required hereby to register shall upon changing his address within the county in which he is required to register promptly inform the sheriff in writing of his new address, and such sheriff shall within three days after receipt of such information forward it to the State Bureau of Criminal Identification and Investigation, and to any chief of police having jurisdiction of the place from which the person moves. The sheriff shall also within three days after receipt of such information forward a copy of the statement, fingerprints and photograph of the person to any chief of police having jurisdiction of the place to which the person is changing his address.

Misdemeanor

Any person required to register under the provisions of this section who shall violate any of the provisions thereof is guilty of a misdemeanor.

Records  
who may  
inspect

The statements, photographs and fingerprints herein required shall not be open to inspection by the public or by any person other than a regularly employed peace or other law enforcement officer.

Urgency

SEC. 2. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health, or safety within the meaning of Section 1 of Article IV of the Constitution and shall therefore go into immediate effect. A statement of the facts constituting such necessity is as follows:

The number and nature of sexual crimes has increased within recent months to such an extent as to pose a threat to the health, welfare and safety of the citizenry of this State. The extent and seriousness of this situation is evidenced by the fact that the Governor of the State has called an extraordinary session of the Legislature to consider and act upon legislation relating to sex offenses. To afford immediate protection to the citizens, it is necessary that this act shall take effect immediately.

## CHAPTER 14

*An act to amend Section 647a of the Penal Code, relating to the annoying or molesting of children, defining same as vagrancy, and providing the punishment therefor and declaring the urgency thereof, to become effective immediately.*

In effect  
immediately

[Approved by Governor January 6, 1950. Filed with Secretary of State January 6, 1950.]

*The people of the State of California do enact as follows:*

See also  
Stats 1950  
(1st Ex  
Sess.),  
Ch 34  
Vagrancy  
Molesting  
children

SECTION 1. Section 647a of the Penal Code is amended to read:

647a. (1) Every person who annoys or molests any child is a vagrant and is punishable upon first conviction by a fine of

not exceeding five hundred dollars (\$500) or by imprisonment in the county jail for not exceeding six months or by both such fine and imprisonment and is punishable upon the second and each subsequent conviction or upon the first conviction after a previous conviction under Section 288 of this code by imprisonment in the state prison not exceeding five years.

(2) Every person who loiters about any school or public place at or near which school children attend, or who loiters in or about public toilets in public parks, is a vagrant, and is punishable by a fine of not exceeding five hundred dollars (\$500) or by imprisonment in the county jail for not exceeding six months, or by both such fine and imprisonment. Loitering

SEC. 2. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Section 1 of Article IV of the Constitution and shall go into immediate effect. A statement of facts constituting such necessity is as follows: Urgency

The recent large increase in the number of crimes involving sex offenses has posed an immediate danger to the health, safety and welfare of the citizens of this State. This situation has become so serious that the Governor has called a special session to consider and act upon legislation relating to sex offenses. To safeguard the health and morals of our citizens and of the younger generation of this State it is necessary that this act take effect immediately.

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CHAPTER 15

*An act to amend Section 286 of the Penal Code, relating to the crime against nature.*

[Approved by Governor January 6, 1950. Filed with Secretary of State January 6, 1950 ]

In effect  
March 22,  
1950

*The people of the State of California do enact as follows:*

SECTION 1. Section 286 of the Penal Code is hereby amended to read:

286. Every person who is guilty of the infamous crime against nature, committed with mankind or with any animal, is punishable by imprisonment in the state prison not less than one nor more than 20 years. Crime  
against  
nature

## CHAPTER 16

*An act to amend Section 189 of the Penal Code, relating to degrees of murder and declaring the urgency thereof, to take effect immediately.*

In effect  
immediately

[Approved by Governor January 6, 1950. Filed with  
Secretary of State January 6, 1950 ]

*The people of the State of California do enact as follows:*

SECTION 1. Section 189 of the Penal Code is amended to read:

Murder  
degrees

189. All murder which is perpetrated by means of poison, or lying in wait, torture, or by any other kind of wilful, deliberate, and premeditated killing, or which is committed in the perpetration or attempt to perpetrate arson, rape, robbery, burglary, mayhem, or any act punishable under Section 288, is murder of the first degree; and all other kinds of murders are of the second degree.

Urgency

SEC. 2. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health, or safety within the meaning of Section 1 of Article IV of the Constitution and shall therefore go into immediate effect. A statement of the facts constituting such necessity is as follows:

The number and nature of sexual crimes has increased within recent months to such an extent as to pose a threat to the health, welfare and safety of the citizenry of this State. The extent and seriousness of this situation is evidenced by the fact that the Governor of the State has called an extraordinary session of the Legislature to consider and act upon legislation relating to sex offenses. To afford immediate protection to the citizens, it is necessary that this act shall take effect immediately.

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CONCURRENT AND JOINT RESOLUTIONS  
AND  
CONSTITUTIONAL AMENDMENTS  
**EXTRAORDINARY SESSION**  
**1949**

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# CONCURRENT AND JOINT RESOLUTIONS AND CONSTITUTIONAL AMENDMENTS

## *Extraordinary Session, 1949*

### CHAPTER 1

#### *Assembly Concurrent Resolution No. 1—Relative to Assemblyman Samuel L. Heisinger.*

[Filed with Secretary of State December 14, 1949]

WHEREAS, The Members of the Legislature of California, and the many people who serve or have business with this Legislature, were deeply grieved to learn of the tragic accident which took the life of Assemblyman Samuel L. Heisinger on September 22, 1949; and

Death of  
Samuel L.  
Heisinger

WHEREAS, Samuel L. Heisinger was born in Missouri December 14, 1870, had been a resident of California since 1892, and for many years an influential leader in agricultural and political life; and

WHEREAS, Samuel L. Heisinger was first elected to the Assembly of California in 1920, and thereafter with a break of but four years, 1931-1934, served continuously in the Assembly, giving distinguished service to the people of his district and the State of California in his untiring support of such important measures as those involving the Central Valley Project, highway construction and maintenance, livestock and dairying, and the preservation and propagation of wild game; and

WHEREAS, Samuel L. Heisinger throughout his nearly three decades of service in this Legislature had won the warm friendship and respect of his colleagues who sincerely mourn his passing, a deep feeling of sadness pervading each heart in the absence of his familiar figure from its accustomed place; and

WHEREAS, Samuel L. Heisinger was the beloved husband of Lena Martin Heisinger, the father of two surviving sons, Vernon and Wayne, and of Major S. L. Heisinger, Jr., who was killed in the Pacific in World War II, and father of three surviving daughters, Mrs. Lena Unger, Mrs. Myrtle Armstrong, and Mrs. Vera Jordan; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring,* That the Members of this Legislature express their deep and personal sorrow in the loss of Sam Heisinger, and a profound regret that the services of this outstanding leader and able legislator have been lost to the people of California, and extend expressions of deep sympathy to the family of Samuel L. Heisinger; and be it further



*Resolved*, That the Chief Clerk of this Assembly transmit suitably prepared copies of this resolution to the family of Samuel L. Heisinger; and be it further

*Resolved*, That when this Legislature this day adjourns, it do so out of respect to the memory of Assemblyman Samuel L. Heisinger of the Thirty-fifth Assembly District of California.

## CHAPTER 2

### *Assembly Concurrent Resolution No. 2—Relative to respect to the memory of Helen Regina Gaffney.*

[Filed with Secretary of State December 14, 1949.]

Death of  
Helen Regina  
Gaffney

WHEREAS, on the twenty-fourth day of November, 1949, Thanksgiving Day, it pleased Almighty God in His Providence to call to His Eternal Home Helen Regina Gaffney, 20-year-old daughter of Assemblyman Edward M. and Mary C. Gaffney; and

WHEREAS, This darling young girl, possessed with unusual talent, gifted with eloquence far superior to that anticipated for a girl of her age, became a leader in youth activities and art at the Holy Names College in Oakland, California; and

WHEREAS, as a student at Notre Dame Grammar School in San Francisco, Helen Gaffney won for herself a four-year scholarship to Notre Dame High School, and while in high school she was awarded first prize in a city-wide essay contest on improving relations with Latin American countries, being selected to speak over short wave radio to Latin America; and

WHEREAS, During the period of the lingering illness with which she was confined to bed in hospital and home, not once did this splendid American girl complain of the trials and tribulations, pain and suffering which she was enduring, but prepared in the manner in which she was taught to meet the end if it came, and when the time arrived she was taken to her heavenly home while in a quiet and peaceful slumber; now, therefore, be it

*Resolved by the Members of the Assembly of the State of California, the Senate thereof concurring.* In special session assembled on this the twelfth day of December, 1949, extend to Assemblyman Edward M. Gaffney and his lovely wife, Mary C. Gaffney, and to Sister Eleanor Marie of the Sisters of Notre Dame, Margaret Mary, Matthew Thomas, Peter Joseph, and Edward McGlynn Gaffney, Jr., parents, sisters and brothers of Helen Gaffney, our heartfelt sympathy and sorrow in the loss of their beloved one; and be it further

*Resolved*, That suitably engrossed copies of this resolution be forwarded to the family of Helen Gaffney.

## CHAPTER 3

*Assembly Concurrent Resolution No. 3—Relative to Richard J. Welch.*

[Filed with Secretary of State December 14, 1949 ]

WHEREAS, At Needles, California, on September 10, 1949, Richard J. Welch, Congressman for the Fifth Congressional District of California, was stricken by a heart ailment and passed to the Great Beyond; and

Death of  
Richard J  
Welch

WHEREAS, Richard J. Welch had given over half a century of his life in devoted service to his State and to this Nation, having been born in New York in 1869 and become a resident of California in 1885; and

WHEREAS, The many tributes paid to Richard J. Welch by those holding high position in local, state, and national life, upon the occasion of his death confirm and commemorate his record of distinguished achievements in a legislative career beginning with his election to the State Senate in 1900 where he sponsored forward-looking legislation to provide for workmen's compensation, safety measures in construction projects, pensions for widows and orphans, the eight-hour law for women, and for rigid inspection of weights and measures; and

WHEREAS, As a member of the San Francisco Board of Supervisors from 1916 to 1926 he actively supported such measures as plans for the Bayshore Highway, the Skyline Boulevard, and bridging the San Francisco Bay and the Golden Gate; and

WHEREAS, His work in Congress was also devoted to legislation for the development of California and the West, through such projects as the San Francisco-Oakland Bay Bridge, river and harbor development, the Hoover Dam, the Sunnyvale Dirigible Base, Hamilton Field, Hunters Point Naval Shipyard, the Central Valley Project, an adequate merchant marine and West Coast shipbuilding, authorization for a Foreign Trade Zone at San Francisco, and care and benefits for disabled war veterans; and

WHEREAS, The great love which Richard J. Welch had for the City of San Francisco and the State of California inspired him to great achievements in legislation for their development, yet his great vision and perception lifted his efforts from the realm of purely provincial interests and cast them upon the wider stage of true statesmanship in service to the Nation and to the world; and

WHEREAS, Just as in the death of Congressman Richard J. Welch every American has suffered a tragic loss, so in his great achievements has each been enriched, for while he has passed from among us, his work will endure in the steady and sure development of the San Francisco Bay area and of this State; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Members of the Legislature*

of California express deep regret and personal sorrow at the death of Congressman Richard J. Welch and the loss of this distinguished and beloved statesman to the people of California; and be it further

*Resolved*, That the Chief Clerk of the Assembly transmit suitably prepared copies of this resolution to Mrs. Sarah O'Connor Welch, widow of Congressman Richard J. Welch, and to Garrett Welch, his son; and be it further

*Resolved*, That when this Legislature this day adjourns it do so out of respect to the memory of Congressman Richard J. Welch.

#### CHAPTER 4

*Assembly Concurrent Resolution No. 7—Approving amendments to the charter of the City and County of San Francisco voted for and ratified by the electors of said City and County of San Francisco at a general municipal election held therein on the eighth day of November, 1949.*

[Filed with Secretary of State December 15, 1949.]

City and  
County of  
San  
Francisco  
Charter  
amendment

WHEREAS, The City and County of San Francisco, State of California, contains a population of over 500,000 inhabitants, and has been ever since the eighth day of January, in the year 1932, and is now organized and acting under a freeholders' charter adopted under and by virtue of Section 8 of Article XI of the Constitution of the State of California, which charter was duly ratified by the qualified electors of said city and county at an election held for that purpose on the twenty-sixth day of March, 1931, and approved by the Legislature of the State of California and filed in the Office of the Secretary of State on the fifth day of May, 1931 (Statutes of 1931, page 2973); and

WHEREAS, The legislative authority of said city and county, namely the board of supervisors thereof, duly proposed to the qualified electors of the city and county eleven (11) amendments; and

WHEREAS, Said legislative authority, in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, did cause said eleven (11) proposed amendments to said charter to be published, once in the official newspaper of the said City and County of San Francisco and each edition thereof issued or published on the date of said publication, to wit, in "The San Francisco Chronicle," a newspaper of general circulation in the City and County of San Francisco and the official newspaper of said city and county; and

WHEREAS, Said legislative body caused copies of said charter amendments to be printed in convenient pamphlet form and in type of not less than 10 point, and caused copies thereof to be mailed to each of the qualified electors of said City and

County of San Francisco, and until the day fixed for the election upon said charter amendments, advertised in said "The San Francisco Chronicle," a newspaper of general circulation in the City and County of San Francisco, a notice that copies of said charter amendments could be had upon application therefor at the office of the board of supervisors; and

WHEREAS, The said legislative authority of said city and county ordered placed upon the ballot at a general municipal election to be held in the City and County of San Francisco on the eighth day of November, 1949, the said eleven (11) several proposals to amend the charter of the City and County of San Francisco; and

WHEREAS, Said general municipal election was held in said City and County of San Francisco on the eighth day of November, 1949, which day was more than 40 days and less than 60 days from the completion of the publication of said proposed charter amendments for one day in said "The San Francisco Chronicle" and each edition thereof as hereinbefore set forth; and

WHEREAS, The board of supervisors of said city and county did thereafter, in regular meeting assembled, by resolution duly adopted by said board and entered in the minutes thereof, direct that a canvass of said general municipal election held on the eighth day of November, 1949, be immediately begun and made by the registrar of voters of said city and county, it appearing to said board of supervisors that at the time of the commencement of said canvass all of the returns of said general municipal election held on the eighth day of November, 1949, from each election precinct in the City and County of San Francisco in which polls were opened had theretofore been received by the said registrar of voters; and

WHEREAS, Thereafter, to wit, on the fifth day of December, 1949, said board of supervisors duly approved the "official statement" of votes cast at the general municipal election held in the City and County of San Francisco, State of California, on Tuesday, the eighth day of November, 1949; and

WHEREAS, At said general municipal election so held on the eighth day of November, 1949, nine (9) of said proposed amendments were ratified by a majority of the electors of said city and county voting thereon, to wit, charter amendments designated as Propositions C, D, E, F, H, I, J, L and M, and two other charter amendments submitted at said general municipal election, to wit, charter amendments designated as Propositions G and K, received less than a majority of the votes of the electors voting thereon and were not ratified; and

WHEREAS, The said charter amendments so ratified by the electors of the City and County of San Francisco are now submitted to the Legislature of the State of California for approval or rejection as a whole without power of alteration or amendment in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, and are in words and figures as follows:

## PROPOSITION C.

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco to amend the charter of said city and county by adding thereto Section 165.1.1, relating to an increase in the retirement allowance payable by the San Francisco City and County Employees Retirement System to persons who, prior to July 1, 1947, retired as members of said system under Section 165 of said charter.

The Board of Supervisors of the City and County of San Francisco hereby submits to the qualified electors, at an election to be held on November 8, 1949, a proposal to amend the charter of the said city and county, by adding thereto Section 165.1.1, to read as follows:

City and  
county  
employees'  
retirement  
system  
Increase in  
retirement  
allowances

Section 165.1.1. Every retirement allowance payable by the San Francisco city and county employees' retirement system, for time commencing on the effective date of this section, hereby designated as the first day of the month next following its ratification by the Legislature, to or on account of any person who was retired prior to July 1, 1947, as a member of said system under section 165, is hereby increased by the amount of twenty-five dollars per month, provided such member was entitled to be credited under the retirement system with at least twenty years of service upon which the retirement allowance was determined at retirement. If the member was entitled to be credited with less than twenty years of such service, then said monthly increase shall be an amount which shall bear the same ratio to twenty-five dollars that the service with which the member was entitled to be credited at effective date of retirement, bears to twenty years. This section does not give any member retired prior to the effective date hereof, or his successors in interest, any claim against the city and county for any increase in any retirement allowance paid or payable for time prior to said effective date. If a member elected at retirement to have his retirement allowance modified under options 2 or 3, provided by ordinance, and if his beneficiary is living on said effective date, the increase in his allowance shall be modified under the option elected at retirement, and on the basis of current ages, mortality tables and interest rate. If the beneficiary of such a person who elected at retirement to have his allowance modified under one of said options is not living on said effective date, or if the retired member is not living on said effective date and the beneficiary is receiving the modified retirement allowance, then the allowance shall be increased as provided herein for persons who did not elect an option.

The increase in the retirement allowance shall be apportioned between service rendered prior to the entry of the member into the retirement system and service rendered as a member, in the same proportion that such prior and current service respectively, bears to the total service credited at retirement. Contributions to the retirement system necessary for the payment of the increases in the retirement allowances provided in this section, shall be provided, with respect to the portion of

the benefit based on service rendered as members, from the reserves held by the retirement system on account of miscellaneous members, the necessary amount being transferred upon said effective date, from said reserves to the reserves held by the retirement system to meet the obligations on account of benefits that have been granted and on account of prior service of members. The contribution being required of the city currently, as percentages of salaries of persons who are members under section 165.2, shall be increased to percentages determined by the actuary as necessary to replace the reserves so transferred. Contributions to the retirement system necessary for the payment of said increases with reference to prior service, shall be paid to the system by the city and county by annual appropriations, provided that such appropriation for any year shall not be less than the amount disbursed during that year on account of said increases.

#### PROPOSITION D.

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco to amend the charter of said city and county by amending Sections 171.1, 171.1.2, 171.1.5 and 171.1.7 thereof, relating to retirement allowances for members of the Fire Department.

The Board of Supervisors of the City and County of San Francisco hereby submits to the qualified electors of said city and county at an election to be held therein on November 8, 1949, a proposal to amend the charter of said city and county by amending Sections 171.1, 171.1.2, 171.1.5 and 171.1.7 thereof, so that the same shall read as follows:

Section 171.1. Members of fire department, as defined in section 171.1.1, who are members of the retirement system under sections 165, 165.2, or 171 of the charter on the effective date hereof, hereby designated as the first day of July, 1949, and persons who become members of said department after said effective date, shall be members of the retirement system under this section 171.1 on and after said date, and shall be subject to the following provisions of section 171.1 and Sections 171.1.1, 171.1.2, 171.1.3, 171.1.4, 171.1.5, 171.1.6, 171.1.7, 171.1.8, 171.1.9, 171.1.10, 171.1.11, 171.1.12, 171.1.13, 171.1.14 (which shall apply only to members under section 171.1 unless otherwise indicated) in addition to the provisions contained in sections 158 to 161, both inclusive, of this charter notwithstanding the provisions of any other section of the charter. Members of the said department who are members of the retirement system under sections 165 or 165.2 of the charter, on July 1, 1950, however, shall have the option to be exercised in writing, on a form furnished by the retirement system and to be filed at the office of said system not later than ninety days after said date, of being members of the system under sections 165 or 165.2 instead of section 171.1, the election under said option to be effective on said date, provided, that members who are absent by reason of service in the armed forces of the United States or by reason of any other service included in section 161 of the charter, on

Members  
of fire  
department

the said effective date of the amendment shall have the same option of electing to be members under sections 165 or 165.2, as the case may be, instead of section 171.1, until ninety days after their return to service in the fire department. On and after said date the persons who affirmatively exercise said option, shall continue to be members of the system under sections 165 or 165.2, respectively, and shall not be subject to any of the provisions of section 171.1.

Service  
and age  
requirements

Section 171.1.2. Any member of the fire department who completes at least thirty years of service in the aggregate, regardless of age, or at least twenty-five years of service in the aggregate and attains the age of fifty-five years, said service to be computed under section 171.1.9, may retire for service at his option. Members shall be retired on the first day of the month next following the attainment by them of the age of sixty-seven years during the twelve months ending June 30, 1949; the age of sixty-six years during the twelve months ending June 30, 1950, and thereafter, following the attainment of the age of sixty-five years. A member retired after meeting the service and age requirements in the two sentences next preceding, shall receive a retirement allowance equal to fifty per cent of the final compensation of said member, as defined in section 171.1.1, plus an allowance at the rate of one and two-thirds per cent of said final compensation, for each year of service rendered prior to attaining age sixty and after qualifying as to age and service for retirement. A member retired after attaining the age of sixty-five years, but before completing twenty-five years of service in the aggregate computed under section 171.1.9, shall receive a retirement allowance which bears the same ratio to fifty per cent of the final compensation of said member, as defined in section 171.1.1, as the service with which he is entitled to be credited, bears to twenty-five years. Any member may retire, regardless of age, after rendering twenty-five years of service in the aggregate, computed under section 171.1.9, but in such event, his retirement allowance shall be such as can be provided at the age of retirement by the actuarial value, at the age of retirement, of the retirement allowance to which he would be entitled at the date upon which he would qualify for retirement under the first sentence of this paragraph, deferred to that date. If, at the date of retirement for service, or retirement for disability resulting from an injury received in performance of duty, said member has no wife, children or dependent parents, who would qualify for the continuance of the allowance after the death of said member, or with respect to the portion of the allowance which would not be continued regardless of dependents, or upon retirement for disability resulting from other causes, with respect to all of the allowance and regardless of dependents at retirement, a member retired under this section, or section 171.1.3, may elect before the first payment of the retirement allowance is made, to receive the actuarial equivalent of his allowance or the portion which would not be continued regardless of dependents, as the case may be, partly in

a lesser allowance to be received by him throughout his life, and partly in other benefits payable after his death to another person or persons, provided that such election shall be subject to all the conditions prescribed by the board of supervisors to govern similar election by other members of the retirement system, including the character and amount of such other benefits.

Section 171.1.5. Upon the death of a member after qualification for service retirement, under section 171.1.2, or after retirement for service or because of disability which resulted from injury received in, or illness caused by the performance of duty, and if death shall result from other cause than such injury or illness, one-half of his retirement allowance to which the member would have been entitled if he had retired for service at the time of death or one-half of the retirement allowance as it was at his death, as the case may be, shall be continued throughout life or until remarriage, to his surviving wife. If there be no surviving wife entitled to an allowance hereunder, or if she die or remarry before every child of such deceased member attains the age of eighteen years, then the allowance which the surviving wife would have received had she lived and not remarried shall be paid to his child or children under said age, collectively, to continue until every such child dies or attains said age, provided that no child shall receive any allowance after marrying or attaining the age of eighteen years. Should said member leave no surviving wife and no children under the age of eighteen years, but leave a parent or parents dependent upon him for support, the parents so dependent shall collectively receive a monthly allowance equal to that which a surviving wife otherwise would have received, during such dependency. No allowance, however, shall be paid under this section to a surviving wife unless she was married to the member prior to the date of the injury or onset of the illness which was incurred in performance of duty and which results in death, or if death does not result from such injury or illness, unless she was married to the member at least one year prior to his retirement.

Disposition  
of allowance  
on death of  
member

The surviving wife, in the event of death of the member after qualification for but before service retirement, may elect before the first payment of the allowance, to receive the benefit provided in section 171.1.7, in lieu of the allowance which otherwise would be continued to her under this section. If there be no surviving wife, the guardian of the child or children under age eighteen, may make such election, and if there be no such children, the dependent parent or parents may make such election. Persons heretofore retired under charter section 171, as members of the fire department at the time of retirement, shall be subject to the provisions of this section. "Qualified for service retirement", "qualification for service retirement" or "qualified as to age and service for retirement", as used in this section and other sections to which persons who are members under section 171.1 are subject, shall mean completion of thirty



years of service regardless of age, or twenty-five years of service and attainment of age fifty-five, said service to be computed under section 171.1.9.

Death  
benefit

Section 171.1.7. If a member of the fire department shall die, before retirement, from causes other than an injury received in or illness caused by the performance of duty, or regardless of cause, if no allowance shall be payable under section 171.1.4 or 171.1.5 preceding, a death benefit shall be paid to his estate or designated beneficiary, the amount of which and the conditions for the payment of which shall be determined in the manner prescribed by the board of supervisors for the death benefit of other members of the retirement system. Upon the death of a member after retirement and regardless of the cause of death, the sum of five hundred dollars shall be paid to his estate or designated beneficiary in the manner and subject to the conditions prescribed by the board of supervisors for the payment of a similar benefit upon the death of other retired members.

#### PROPOSITION E.

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco to amend the charter of said city and county by amending Sections 40, 41, 42 and 11 thereof by consolidating the Recreation Department and the Park Department into one department to be known as the Recreation and Park Department, and by establishing the tenure in office of commissioners of said department.

The Board of Supervisors of the City and County of San Francisco hereby submits to the qualified electors of said city and county at an election to be held therein on November 8, 1949, a proposal to amend the charter of said city and county by amending Sections 40, 41, 42 and 11 thereof so that the same shall read as follows:

#### RECREATION AND PARK DEPARTMENT

Consolida-  
tion

Section 40. The recreation department and the park department are hereby consolidated into one department, to be known as the recreation and park department, which shall be under the management of a recreation and park commission. The recreation and park department and the recreation and park commission shall be, respectively, the successors in all regards of the recreation department and the park department and of the recreation commission and the park commission, which departments, commissions and offices of commissioner thereof shall cease to exist

Recreation  
and park  
commission  
Creation,  
etc

A recreation and park commission is hereby created, the members of which shall serve as commissioners thereof without compensation. Said commission shall consist of seven members, who shall be appointed by the mayor for a term of four years; provided that the respective terms of office of those first appointed shall be as follows, two for two years, two for three years, and three for four years from the effective date of this

section. Vacancies occurring in the offices of appointive members, either during or at expiration of term, shall be filled by the mayor. Not less than two members of said commission shall be women.

This section and sections 41 and 42 as herein amended, shall take effect on the filing with the secretary of state of the legislative resolution of approval thereof, except that the existing commissions and departments shall continue for all purposes pertaining to the current fiscal year until the first day of the fiscal year next succeeding the filing of such resolution and the recreation and park commission shall have power prior to such date only in relation to matters pertaining to its own organization and to such next succeeding fiscal year and thereafter. Operative date

Section 41. The recreation and park commission shall appoint a general manager, who shall hold office at the pleasure of the commission. The commission shall also appoint a secretary, subject to the civil service provisions of this charter; provided that the incumbent occupying the position of secretary, recreation commission, on and for more than one year immediately prior to the effective date of this section, shall be deemed appointed and shall become the secretary of the recreation and park commission, and thereafter shall be subject to and be governed by the civil service provisions of this charter. Officers Appointment, etc

The general manager shall be the chief executive officer of the department. Subject to the approval of the commission, he shall have power to appoint and to remove a superintendent of recreation, a superintendent of parks, a director of the zoo, and an executive secretary to the general manager, all of whom shall be exempt from the civil service provisions of this charter, and shall hold office subject to such power of removal on approval of the commission; provided, however, that the incumbents occupying the positions of superintendent of recreation, superintendent of parks, and director of the zoo on the effective date of sections 40, 41 and 42, as amended, shall be deemed appointed to their respective positions subject to the provisions of this section; provided, further, that the incumbent occupying the position of secretary, park commission on the effective date of this section shall be deemed appointed and shall become the executive secretary to the general manager, subject to the provisions of this section. General manager

The civil service rights of persons employed under the civil service provisions of this charter in either the recreation or park departments shall continue in the recreation and park department. Seniority of any such employees who acquired civil service status in either the recreation department under the provisions of section 42 of the charter as effective January 8, 1932, or in the park department under the provisions of section 40 of the charter as amended and effective January 21, 1941, shall be determined for all purposes in each instance by the date of commencement of full-time continuous service with either the recreation or park departments. If records of the date of commencement of full-time continuous service do not Civil service rights

exist or are inadequate in any instance from which to determine such date with certainty, other proof may be received.

Powers,  
duties, etc

Section 42. The recreation and park commission shall have the complete and exclusive control, management and direction of the parks, playgrounds, recreation centers and all other recreation facilities, squares, avenues and grounds which are in the charge of either of said commissions on the effective date hereof, or are thereafter placed in the charge of this commission, including exclusive power to erect and to superintend the erection of buildings and structures thereon, and to construct new parks, squares, playgrounds and recreation centers, except as in this charter otherwise provided.

It shall be the policy of the commission to promote and foster a program providing for organized public recreation of the highest standard.

The commission, through the general manager, shall utilize the property under its control and organize the personnel under its direction, to the end that all functions of the department be performed with the greatest possible efficiency.

The San Francisco unified school district shall supervise and direct recreational activities in facilities under its jurisdiction, and the commission and the school district shall have the power to supervise and direct other adjacent recreational and park facilities either jointly or severally by agreement.

The commission shall not lease any part of the lands under its control nor permit the building or maintenance or use of any structure on any park, square, avenue or ground, except for recreation purposes, and each letting or permit shall be subject to approval of the board of supervisors by ordinance, but the commission may lease to the highest responsible bidder for a term not to exceed fifty years and upon such other terms and conditions as it may determine, subsurface space under any public park or square and the right and privilege to conduct and operate therein a public automobile parking station, provided that the said construction, when completed, and the operation will not be, in any material respect or degree, detrimental to the original purpose for which said park or square was dedicated or in contravention of the conditions of any grant under which said park or square might have been received. The revenues derived from any such lease shall be credited to the recreation and park department fund.

The recreation and park commission shall have the power to lease or rent any stadium or recreation field under its jurisdiction for athletic contests, exhibitions and other special events and may permit the lessee to charge an admission fee.

The amount of money to be provided by tax levy for recreation and park purposes shall not be less than the total of the amounts now or hereafter provided for parks and squares and for playgrounds under the provisions of section 78 of this charter.

## SUSPENSION AND REMOVAL

Section 11. Any elective officer, and any member of the civil service commission or public utilities commission or school board may be suspended by the mayor and removed by the board of supervisors for official misconduct, and the mayor shall appoint a qualified person to discharge the duties of the office during the period of suspension. On such suspension, the mayor shall immediately notify the supervisors thereof in writing and the cause therefor, and shall present written charges against such suspended officer to the board of supervisors at or prior to its next regular meeting following such suspension, and shall immediately furnish copy of same to such officer, who shall have the right to appear with counsel before the board in his defense. Hearing by the supervisors shall be held not less than five days after the filing of written charges. If the charges are deemed to be sustained by not less than a three-fourths vote of all members of the board, the suspended officer shall be removed from office; if not so sustained, or if not acted on by the board of supervisors within thirty days after the filing of written charges, the suspended officer shall thereby be reinstated.

Suspension  
and removal  
of officers

Hearings

The mayor must immediately remove from office any elective official convicted of a crime involving moral turpitude, and failure of the mayor so to act shall constitute official misconduct on his part.

Mandatory  
removal

Any appointee of the mayor, exclusive of civil service, recreation and park, and public utilities commissioners, and members of the school board, may be removed by the mayor. Any nominee or appointee of the mayor whose appointment is subject to confirmation by the board of supervisors, except the chief administrative officer and the controller, as in this charter otherwise provided, may be removed by a majority of such board and with the concurrence of the mayor. In each case, written notice shall be given or transmitted to such appointee of such removal, the date of effectiveness thereof, and the reasons therefor, a copy of which notice shall be printed at length in the journal of proceedings of the board of supervisors, together with such reply in writing as such official may make. Any appointee of the mayor or the board of supervisors guilty of official misconduct or convicted of crime involving moral turpitude must be removed by the mayor or the board of supervisors, as the case may be, and failure of the mayor or any supervisor to take such action shall constitute official misconduct on his or their part.

Removal of  
appointees

## PROPOSITION F.

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco to amend the Charter of said City and County by adding thereto Section 151.4, and amending Section 151 thereof, relating to annual vacations for persons employed by the City and County.

The Board of Supervisors of the City and County of San Francisco, hereby submits to the qualified electors of said City

and County at an election to be held therein on November 8, 1949, a proposal to amend the Charter of said City and County by adding thereto Section 151.4 and by amending Section 151 thereof, to read as follows:

#### ANNUAL VACATION OF EMPLOYEES.

Annual  
vacation

Section 151.4. Every person employed in the city and county service shall, after one year's service, be allowed a vacation with pay of two calendar weeks, annually, as long as he continues in his employment, provided that, after five years' service every person so employed shall be allowed, as long as he continues in his employment, a vacation with pay of fifteen days, annually, calculated as hereinafter provided. For the purpose of computing vacation time, each employee shall be considered to work five days each week and holidays occurring within any such five days shall be considered as working days. For the purpose of computing vacation pay, no employee shall be considered to work more than five days each week and pay for holidays occurring on any of such fifteen days shall be computed on a straight time basis. Vacation pay for employees working less than five days each week shall be computed proportionately. The time when vacations are taken shall be at the convenience of the department with due regard for seniority.

Operative  
date

This section shall become effective on January 1, 1951.

#### STANDARDIZATION OF COMPENSATION

Power of  
board to fix  
salaries

Section 151. The board of supervisors shall have power and it shall be its duty to fix by ordinance from time to time, as in this section provided, all salaries, wages and compensations of every kind and nature, except pension or retirement allowances, for the positions, or places of employment, of all officers and employees of all departments, offices, boards and commissions of the city and county in all cases where such compensations are paid by the city and county.

Exceptions

Compensations specified in this charter shall not be subject to the provisions of this section. Compensations of the teaching and other technical forces of the school department and employees of the Steinhart Aquarium and law library departments, construction employees engaged outside of the city and county, part-time employees, and inmate and institutional help receiving less than fifty dollars per month, shall be fixed by the department head in charge thereof, with the approval of the board or commission, if any, in charge of the department concerned and subject to the budget and appropriation provisions of this charter; provided that part-time employees shall be recorded as such by a department head, only with the approval of the civil service commission and, when so recorded, shall be noted as part-time on pay-rolls, budget estimates, salary ordinance and similar documents.

Schedules of  
compensation

In fixing schedules of compensation as in this section provided, the civil service commission shall prepare and submit to the board of supervisors and the board shall adopt a schedule

of compensations which shall include all classifications, positions and places of employment the wages or salaries for which are subject to the provisions of this section; provided, that the civil service commission shall from time to time prepare and submit to the board of supervisors and the board shall adopt amendments to the schedule of compensations which are necessary to cover any new classifications added by the civil service commission. Under the schedules of compensation recommended by the civil service commission and adopted by the board of supervisors as herein provided, like compensation shall be paid for like service, based upon the classification as provided in section 141 of the charter, and for those classifications of employment in which the practice is customary, the proposed schedules of compensation shall provide for minima, intermediate, and maxima salaries and for a method of advancing the salaries of employees from the minimum to the intermediate and to the maximum with due regard to seniority of service. The compensations fixed as herein provided shall be in accord with the generally prevailing rates of wages for like service and working conditions in private employment or in other comparable governmental organizations in this state; provided, that for specialized services which are peculiar to the municipal service and not duplicated elsewhere in private or other governmental organizations in this state, the commission shall recommend and the board of supervisors shall fix a compensation which shall be in accord with the wages paid in private employment or other governmental organizations in the state for the nearest comparable service and working conditions; and provided further that if the civil service commission determines on the basis of facts and data collected as hereinafter provided that the rates generally prevailing for a particular service in private employment or in other governmental organizations are inconsistent with the rates generally prevailing in private employment or other governmental organizations for services requiring generally comparable training and experience, the commission shall set forth these data in its official records and shall recommend and the board of supervisors shall fix a compensation for such service that shall be consistent with the compensations fixed by the board of supervisors for other services requiring generally comparable training and experience; and provided further that the minimum compensation fixed for full time employments subject to the civil service provisions of this charter shall be not less than one hundred and six dollars (\$106) per month.

The proposed schedules of compensation or any amendments thereto shall be recommended by the civil service commission solely on the basis of facts and data obtained in a comprehensive investigation and survey concerning wages paid in private employment for like service and working conditions or in other governmental organizations in this state. The commission shall set forth in the official records of its proceedings all of the data thus obtained and on the basis of such data the commission shall set forth in its official records an order making

its findings as to what is the generally prevailing rate of pay for each class of employment in the municipal service as herein provided, and shall recommend a rate of pay for each such classification in accordance therewith. The proposed schedules of compensation recommended by the civil service commission shall be transmitted to the board of supervisors, together with a compilation of a summary of the data obtained and considered by the civil service commission and a comparison showing existing schedules. Before being presented to the board of supervisors for consideration, the proposed schedules and a comparison with existing schedules shall be published once a week for two weeks.

The board of supervisors may approve, amend or reject the schedule of compensations proposed by the civil service commission; provided, that before making any amendment thereto the data considered by the board of supervisors as warranting such amendment shall be transmitted to the civil service commission for review and analysis and the commission shall make a report thereon to the board of supervisors, together with a report as to what other changes, and the cost thereof such proposed amendment would require to maintain an equitable relationship with other rates in such schedule.

Compensation of incumbents

Where any compensation paid on January 1st, 1931, is higher than the standard compensation fixed as provided in this section for such position or employment, said compensation shall be continued to the incumbent of such position as long as he legally holds said position, and department heads, in cooperation with the civil service commission where said commission has jurisdiction, shall continuously offer all possible opportunities to said incumbents to assume duties and responsibilities in higher classifications consistent with the higher rates of compensation hereby continued. The salaries and wages paid to employees whose compensations are subject to the provisions of this section shall be those fixed in the schedule of compensations adopted by the board of supervisors as herein provided and in accord with the provisions of the ordinance of the board of supervisors adopting the said schedule, and the compensations set forth in the budget estimates, and the annual salary ordinance and appropriations therefor shall be in accord therewith.

Revision of schedules

Not later than January 15th, 1944, and every five years thereafter and more often if in the judgment of the civil service commission or the board of supervisors economic conditions have changed to the extent that revision of existing schedules may be warranted in order to reflect current prevailing conditions, the civil service commission shall prepare and submit to the board of supervisors a schedule of compensations as in this section provided. A schedule of compensations or amendments thereto as provided herein which is adopted by the board of supervisors on or before April 1st of any year shall become effective at the beginning of the next succeeding fiscal year and a schedule of compensations or amendments thereto adopted by

the board of supervisors after April 1st of any year shall not become effective until the beginning of the second succeeding fiscal year. The board of supervisors shall appropriate twelve thousand five hundred dollars (\$12,500.00) to the civil service commission to be known as the salary survey fund and to be used exclusively for defraying the cost of surveys of wages in private employment and in other governmental jurisdictions and making reports and recommendations thereon and publication thereof as herein provided. No expenditures shall be made therefrom except on authorization of board of supervisors. In the event of the expenditure of any of said funds, the board of supervisors in the next succeeding annual budget shall appropriate a sum sufficient to reimburse said salary survey fund.

Salary survey fund

Where compensations for services commonly paid on an hourly or a per diem basis are established on a weekly, semi-monthly or monthly salary basis for city and county service, such salary shall be based on the prevailing hourly or per diem rate, where this can be established, and the application thereto of the normal or average hours or days of actual working time, in the city and county service, including an allowance for annual vacation. *(Every person employed in the city and county service shall, after one year's service, be allowed a vacation with pay of two calendar weeks, annually, as long as he continues in his employment.)*

Compensation paid on hourly or per diem basis

*(This deletion shall become effective on January 1st, 1951.)*

PROPOSITION H.

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco to amend the charter of said city and county by amending Section 35.5½ thereof, relating to the basic work week of members of the Police Department.

The Board of Supervisors of the City and County of San Francisco hereby submits to the qualified electors of said city and county at an election to be held therein on November 8, 1949, a proposal to amend the charter of said city and county by amending Section 35.5½ thereof so that the same shall read as follows:

Section 35.5½. (a) The word "member" or "members" as used in this section shall mean the members of the several ranks in the police department set forth in section 35.5 of this charter.

Police department "Member" or "Members"

(b) The basic week of service for each member shall be forty hours and the annual compensation set forth in section 35 5 of this charter shall be based upon said basic week of service.

Basic week

(c) Each member shall be entitled to at least two days off during each week, except as hereinafter provided.

Days off

(d) Whenever in the judgment of the police commission public interest or necessity requires the services of any member to serve in excess of the basic week of service during any week, the said police commission may authorize the chief of police

Exceptions



to permit said service, and said member shall be compensated therefor or shall receive equivalent time credited to him in lieu thereof in accordance with this sub-section. For service performed in excess of the basic week, members shall be compensated on the basis of straight time in accordance with the ratio which said excess service bears to the basic week of service and the annual compensation provided therefor in section 35.5, or in lieu thereof equivalent time off duty with pay.

Vacations

(c) Nothing contained in this section shall be deemed to interfere with a vacation, as provided for in section 151 of this charter, or the normal days off per week; provided, however, that when in the judgment of the police commission public interest or necessity requires the services of any member to serve on his vacation, or part thereof, or normal days off, the said commission may authorize the chief of police to permit said member to serve during said vacation, or part thereof, or normal days off, and he shall receive additional compensation for the period so served. Said additional compensation shall be computed on the basis of straight time in accordance with the ratio which said extra service performed bears to the basic week of service and the annual compensations provided therefor in section 35.5.

Sick leave

(f) Nothing in this section shall abridge or limit in any way the provisions of Section 301, Part I, of the San Francisco Municipal Code, approving rule 32 of the civil service commission, insofar as sick leave and disability leaves for members are concerned.

Roll call,  
etc

(g) Whenever in the judgment of the police commission the efficient performance of police duty requires that one or more members of the police department should report for roll call, orders, and assignments, prior to going on duty, the said commission may designate a period not to exceed fifteen minutes in any one day for said reporting, and the said periods of fifteen minutes need not be compensated for in money or in time off with pay.

Holidays

(h) Notwithstanding the provisions of any of the foregoing subsections, the members of the police department shall be entitled to the days declared to be holidays for employees whose compensations are fixed on a monthly basis in the schedules of compensations adopted by the board of supervisors pursuant to the provisions of section 151 of the charter as additional days off with pay. Members required to perform police service in said department on said days shall be compensated on the basis of straight time as herein computed or shall be granted equivalent time off duty with pay in the judgment of the police commission.

Effective  
date

(i) This section shall become effective on the first day of the month immediately following the date of ratification.

#### PROPOSITION I.

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco to amend

the Charter of said city and county by adding thereto Section 13.1 relating to the waiver of statutes of limitation.

The Board of Supervisors of the City and County of San Francisco hereby submits to the qualified electors of said city and county at an election to be held therein on November 8, 1949 a proposal to amend the charter of said city and county by adding thereto Section 13.1 to read as follows:

#### WAIVER OF STATUTES OF LIMITATION

Section 13.1. Any ordinance or resolution waiving, or <sup>Waiver</sup> authorizing the waiving, by the city and county of the benefit of any statute of limitation of a state, or of the United States, available to the city and county in any action or proceeding against it shall require for its passage a three-fourths vote of all members of the board of supervisors on each reading.

#### PROPOSITION J.

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco to amend the Charter of said city and county by amending Section 34.1, providing that certain positions in the office of district attorney and certain occupants thereof shall be subject to civil service.

The Board of Supervisors of the City and County of San Francisco hereby submits to the qualified electors of said city and county at an election to be held therein on November 8, 1949, a proposal to amend the Charter of said city and county by amending Section 34.1 thereof, to read as follows:

#### ASSISTANTS AND EMPLOYEES IN OFFICES OF CITY ATTORNEY, DISTRICT ATTORNEY AND PUBLIC DEFENDER

Section 34.1. Notwithstanding any other provisions of this charter, occupants of all positions in the office of city attorney and the public defender, except assistant attorneys in the offices of the city attorney and the public defender, shall be subject to the civil service provisions of this charter, provided that all such occupants who are actually employed, or who may be on military leave of absence from employment, on January 16, 1945, and who have been continuously employed for one year immediately preceding such date or such military leave, shall be continued in their respective positions as if appointed thereto after examination and certification from a civil service list of eligibles, and thereafter shall be governed and be subject to the civil service provisions of this charter. Upon their return to service, occupants who have been on military leave shall be appointed according to priority of service.

Civil  
service  
Employees  
subject to

Notwithstanding any other provisions of this charter, occupants of all positions in the office of district attorney, except assistant attorneys, one confidential secretary and occupants of positions classified as senior investigator or investigator, shall be subject to the civil service provisions of this charter, provided that all such occupants of positions not so excepted who

are actually employed on the effective date of this amendment, and who have been continuously employed for one year immediately preceding such date, shall be continued in their respective positions as if appointed thereto after examination and certification from a civil service list of eligibles, and thereafter shall be governed by and shall be subject to the civil service provisions of this charter.

#### PROPOSITION L.

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco to amend the Charter of said City and County by amending Section 168.1.12 thereof relating to retirement allowances paid to members of the Police Department disabled by the performance of duty.

The Board of Supervisors of the City and County of San Francisco hereby submits to the qualified electors of the City and County of San Francisco at an election to be held therein on November 8, 1949, a proposal to amend the Charter of said City and County by amending Section 168.1.12 thereof to read as follows :

Retired  
policemen  
Prohibition  
from holding  
public office  
or receiving  
compensa-  
tion  
therefrom

Section 168.1.12. No person retired as a member under section 168.1 after June 30, 1945, for service or disability and entitled to receive a retirement allowance under the retirement system shall serve in any elective or appointive position in the city and county service, including membership on boards and commissions, nor shall such person receive any payment for service rendered to the city and county after retirement, provided that service as an election officer or juror shall not be affected by this section

Reduction  
of allowance  
where  
gainfully  
employed

Notwithstanding any provision in this charter to the contrary, should any such retired person, except persons retired prior to July 1, 1949, because of disability which resulted from injury received in, or illness caused by the performance of duty, engage in a gainful occupation prior to attaining the age of 60, the retirement board shall reduce that part of his monthly retirement allowance which is provided by contributions of the city and county, to an amount which, when added to the amount earned monthly by him in such occupation, shall not exceed the amount of the compensation earnable at the time he engages in the gainful occupation, by the member if he then held the position which he held at the time of his retirement, or, if that position has been abolished, the compensation earnable by the member if he held the position from which he was retired, immediately prior to its abolition.

Operative  
date

The effective date of this amendment shall be the first day of the month following ratification by the State Legislature.

#### PROPOSITION M.

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco to amend the charter of said city and county by adding thereto Section 119.4,

relating to the acquisition of the operative properties of the California Street Cable Railroad Company.

The Board of Supervisors of the City and County of San Francisco hereby submits to the qualified electors of said city and county at an election to be held therein on November 8, 1949, a proposal to amend the charter of said city and county by adding Section 119.4 thereto, reading as follows:

Section 119.4. The City and County of San Francisco shall have power and is hereby authorized, in addition to all other powers howsoever conferred upon said city and county, to extend the existing San Francisco municipal railway by the acquisition of the operative properties of the California Street Cable Railroad Company, and to acquire said operative properties. Power to acquire properties

In addition to all other operative properties of every kind and character, said operative properties shall include lot 1 of assessor's block 250, being the southwest corner of California and Hyde Streets, 219 feet 6 inches on California Street by 137 feet 6 inches on Hyde Street, and all of the right, title and interest of said company in lot 2 of assessor's block 25, located on the west side of Hyde Street, 46 feet south of Beach Street, 10 feet 6 inches on Hyde Street, by a depth of 23 feet. Additional properties

The adoption of this section shall be deemed to and shall constitute a finding by the people of the City and County of San Francisco that the public interest and necessity demand the extension of the existing municipal railway by the acquisition of said operative properties, thereby providing a unified municipal railway system for the benefit of said city and county and its inhabitants. Finding of need

Whenever the public utilities commission, with the advise and approval of the mayor and the board of supervisors, shall agree with the California Street Cable Railroad Company upon the terms and conditions of such acquisition of said operative properties, it shall be the duty of the commission and the mayor to execute such contract for and on behalf of the City and County of San Francisco and in its name. Such contract shall provide, among other things: Contract

(a) That the maximum purchase price of said properties shall be \$150,000, the period of payment of which shall not exceed one year; Provisions

(b) That the title to said operative properties shall be transferred to the city and county upon execution of said agreement and the execution of proper instruments of conveyance and shall be good and merchantable title free and clear of all claims, judgments, liens and encumbrances of every kind and character, whether in favor of the California Street Cable Railroad Company or in favor of any one other than the California Street Cable Railroad Company;

(c) That upon the delivery of such instruments of conveyance, California Street Cable Railroad Company shall assign and transfer to the city and county all franchises, permits and licenses of any kind or character necessary or desirable

in connection with the operation of said operative properties, and shall surrender and cancel its existing operating permit, whereupon all rights, privileges and obligations under said operating permit and all other permits and franchises granted by the city and county shall be terminated and cancelled.

Payment

It shall be the duty of the board of supervisors, and it shall have power, to provide funds for the payment of said purchase price out of the general funds, or any other funds, which may legally be made available in accordance with the fiscal provisions of the charter.

Budget

Prior to the acquisition of said operative properties, the public utilities commission shall submit, and the mayor shall approve and the board of supervisors shall adopt, a budget relating to the operation of said properties in the same manner and subject to the same conditions except time as provided in the charter and in this section 119.4, for the submission and approval of the annual budget, the annual appropriation ordinance and the annual salary ordinance. Such budget and ordinance shall become effective upon such acquisition.

Provisions not applicable

In the acquisition of said properties, the provisions of section 119 of this charter shall not be applicable; and the provisions of section 119.3 shall not be applicable in the operation thereof.

STATE OF CALIFORNIA }  
CITY AND COUNTY OF SAN FRANCISCO } ss

Certificate

This is to certify that we, J. JOSEPH SULLIVAN, President of the Board of Supervisors of the City and County of San Francisco, and ROBERT J. DOLAN, Acting Clerk of the Board of Supervisors of said City and County, have compared the foregoing proposed and ratified amendments to the Charter of the said City and County of San Francisco with the original proposals which were submitted to the electors of said City and County at a general municipal election held on Tuesday, the eighth day of November, One Thousand Nine Hundred Forty-nine, and find that the foregoing is a full, true, correct and exact copy thereof, and we further certify that the facts set forth in the preamble preceding said amendments to said Charter are true.

IN WITNESS WHEREOF, we have hereunto set our hands and caused the same to be authenticated by the seal of the City and County of San Francisco, this 5th day of December, One Thousand Nine Hundred Forty-nine

J. JOSEPH SULLIVAN  
President of the Board of Supervisors  
of the City and County of San Francisco

(SEAL)

ROBERT J. DOLAN  
Acting Clerk of the Board of Supervisors  
of the City and County of San Francisco

Now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, That said amendments to the charter of the City and County of San Francisco, as proposed to, and adopted and ratified by the electors of said city and county, and as hereinbefore fully set forth, be and the same are hereby approved as a whole without amendment or alteration, for and as amendments to, and as part of the charter of the City and County of San Francisco.*

CHAPTER 5

*Senate Concurrent Resolution No. 2—Approving the charter of the City of San Leandro, County of Alameda, State of California, ratified by the qualified electors of said city at a special municipal election held therein on the twentieth day of September, 1949.*

[Filed with Secretary of State December 16, 1949 ]

WHEREAS, The City of San Leandro, in the County of Alameda, State of California, contains a population in excess of 3,500 inhabitants, as ascertained by the last preceding census taken under the authority of the Congress of the United States or of the Legislature of the State of California; and

City of San Leandro Charter approval

WHEREAS, Proceedings have been had in and taken by the said City of San Leandro for the preparation, proposal, adoption, and ratification of a charter for the government of said City of San Leandro, all as set forth in the following certificate of the mayor and city clerk of said City of San Leandro, to wit:

STATE OF CALIFORNIA }  
COUNTY OF ALAMEDA } SS  
CITY OF SAN LEANDRO }

We, the undersigned, Joseph O. Bellini, Mayor of the City of San Leandro, county of Alameda, state of California, and H. H. Burbank, clerk of said city, do hereby certify and declare as follows:

Certificate

That said City of San Leandro, in the county of Alameda, state of California, is now, and at all times herein referred to was, a city containing a population of more than three thousand and five hundred inhabitants as ascertained by the last preceding census taken under the authority of the Congress of the United States;

That said City of San Leandro, ever since the year 1933, has been and now is, organized and acting under a freeholders' charter adopted under and by virtue of Section 8 of Article XI of the Constitution of the said state of California, which charter was duly ratified by a majority of the qualified electors of said

city at a special election held for that purpose on the 12th day of July, 1933, and approved by the Legislature of the state of California, July 17, 1933; (S.C.R. No. 40) ;

That on the 24th day of February, 1948, pursuant to the provisions of section 8 of Article XI of the Constitution of the state of California, the city council of the said City of San Leandro, which was then the legislative body of said city, did by a vote of more than two-thirds of all of its members, to wit, by a unanimous vote of all of the members thereof, pass and adopt a resolution calling for a special election to be held in said City on the 13th day of April, 1948, and for the purpose of choosing a board of fifteen freeholders, to prepare and propose a charter for the government of said City of San Leandro, and gave due notice of said election as required by the provisions of law applicable thereto ;

That at said election, held on the 13th day of April, 1948, a board of fifteen freeholders, all of whom were qualified electors of said City of San Leandro and had been such electors for more than five years next preceding the said election, all of whom were eligible as candidates under said election, and who had been nominated as provided by law, were chosen or elected by the qualified electors of the said City of San Leandro, as such board of freeholders, to prepare and propose a charter for the government of said city ; that the names of said freeholders so chosen were as follows :

Frank C. Bagnell	Claude E. Lipe
Arthur J. Berggren	Mary C. McCluen
Willard Frieberg	Theodore E. Morehouse
Dave Gilmore	Walter B. Petersen
Herluf A. Knudsen	Fred C. Rhoads
Mrs. Helen L. C. Lawrence	Gordon Waight
William G. Lee, Jr.	James C. White
Homer E. Lewis	

That the returns of said election were canvassed and the result thereof declared by the city council of said City of San Leandro on the 20th day of April, 1948 ;

That in pursuance of said provisions of said Constitution of the state of California, and within due and legal time pursuant to section 8 of Article XI of the Constitution of the state of California, the said board of freeholders did prepare and propose a charter for the government of said City of San Leandro, which said charter was signed by a majority, to wit, by fourteen of the members of said board of freeholders, and was filed in the office of the city clerk of said City of San Leandro, on the 19th day of April, 1949 ;

That said board of freeholders did, before said filing, fix and designate on such proposed charter the twentieth day of September, 1949, as the date upon which said charter should be submitted to the electors of said City of San Leandro for ratification by them ;

That thereupon the said city council of said City of San Leandro, by resolution, duly called and ordered the holding

of a special municipal election to be held in said City of San Leandro, on the twentieth day of September, 1949, and gave notice of the holding of said election as required by law; that at said election there was submitted to the qualified electors of the City of San Leandro, the question whether said proposed charter prepared and filed by said board of freeholders should be ratified and adopted as the charter for the government of the said City of San Leandro;

That within fifteen days after the filing of said charter, said city council caused the same to be published once, to wit, on the 29th day of April, 1949, in the San Leandro Reporter and in each edition thereof, the official newspaper of said City of San Leandro, said newspaper being a newspaper of general circulation printed, published, and circulated within said city;

That said city council caused copies of said proposed charter to be printed in convenient pamphlet form, and to be placed in the office of the city clerk of said city for public distribution; that said printing and placing was completed at once, and within fifteen days after the filing of said proposed charter; that beginning on the 29th day of April, 1949, and continuing until the date fixed as aforesaid for the election upon said charter, said city council advertised a notice that such copies of said charter could be had from the city clerk of said city on application therefor; that said advertisement appearing in a weekly newspaper of general circulation, printed, published, and circulated in said City of San Leandro, namely, in the San Leandro Reporter, as often as said newspaper was issued, from April 29, 1949, to September 16, 1949, both days inclusive;

That said election was duly and regularly held on the twentieth day of September, 1949, and that at said election the majority of the qualified electors voting thereon, voted in favor of said proposed charter, and for the ratification and adoption thereof;

That the city council of the said City of San Leandro at an adjourned regular meeting held in the time, form, and manner required by law, and in accordance with the law in such cases made and provided, duly canvassed the returns of said election, and duly found, determined, and declared, that a majority of said electors voting thereon had voted in favor of said proposed charter and for the ratification and adoption thereof, and that the same was adopted and ratified by more than a majority of the qualified voters of the City of San Leandro voting thereon;

That said charter, so prepared, proposed, filed, and ratified, as herein set forth, together with the certificate and signatures of fourteen of the members of the board of fifteen freeholders attached thereto, is in words and figures as follows, to wit:



## CHARTER

## PROPOSED CHARTER OF THE CITY OF SAN LEANDRO

We, the people of the City of San Leandro, State of California, do ordain and establish this Charter as the organic law of said City under the Constitution of said State.

## Article I—Incorporation and Succession

Name and boundaries

Section 100—Name and Boundaries. The City of San Leandro shall continue to be a municipal corporation under its present name of "City of San Leandro." The boundaries of the City shall be the boundaries as established at the time this Charter takes effect, or as such boundaries may be changed thereafter in the manner authorized by law.

Succession, rights and liabilities

Section 101—Succession, Rights and Liabilities The City of San Leandro shall continue to own, possess and control all rights and property of every kind and nature owned, possessed or controlled by it at the time this Charter takes effect and shall be subject to all its debts, obligations and liabilities.

Ordinances

Section 102—Ordinances All lawful ordinances, resolutions, rules and regulations, or portions thereof, in force at the time this Charter takes effect, and not in conflict or inconsistent herewith, are hereby continued in force until the same shall have been duly repealed, amended, changed or superseded by proper authority.

Continuance of present officers and employees

Section 103 — Continuance of Present Officers and Employees

The present officers and employees shall continue without interruption to perform the duties of their respective offices and employments upon the same conditions and for the compensation provided by the existing ordinances, resolutions, rules or laws, until the election, or appointment, and qualification of their successors under this Charter and subject to such removal and control as is provided in this Charter.

Continuance of contracts and public improvements

Section 104 — Continuance of Contracts and Public Improvements. All contracts entered into by the City, or for its benefit, prior to the effective date of this Charter, shall continue in full force and effect. Public improvements for which proceedings have been instituted under laws existing at the time this Charter takes effect, in the discretion of the City Council, may be carried to completion as nearly as practicable in accordance with the provisions of such existing laws or may be continued or perfected under this charter.

Pending actions and proceedings

Section 105 — Pending Actions and Proceedings No action or proceeding, civil or criminal, pending at the time when this Charter takes effect, brought by or against the City or any officer, office, department or agency thereof, shall be affected or abated by the adoption of this Charter or by anything herein contained, but all such actions or proceedings may be continued notwithstanding that functions, powers and duties of any officer, office, department or agency a party thereto, may be assigned or transferred by or under this charter to another

officer, office, department or agency, but in that event the same may be prosecuted or defended by the head of the office, department or agency to which such functions, powers and duties have been assigned or transferred by or under this Charter.

Section 106—Effective Date of Charter. This Charter shall take effect upon its approval by the Legislature. Operative date

## Article II—Powers of City

Section 200—Powers. The City shall have the power to make and enforce all laws and regulations in respect to municipal affairs, subject only to such restrictions and limitations as may be provided in this Charter and in the Constitution of the State of California. It shall also have the power to exercise or act pursuant to, any and all rights, powers, privileges, or procedures heretofore or hereafter established, granted or prescribed by any law of the State, by this Charter, or by other lawful authority, or which a municipal corporation might or could exercise under the Constitution of the State of California. The enumeration in this Charter of any particular power shall not be held to be exclusive of, or any limitation upon, the generality of the foregoing provisions. Powers

## Article III—Form of Government

Section 300—Form of Government. The municipal government established by this Charter shall be known as the “Council-Manager” form of Government. Form of government

## Article IV—City Council

Section 400—Number and Term. There shall be a City Council of seven members elected from the City at large at the times and in the manner provided in this Charter and who shall serve for a term of four years and until their respective successors qualify. Number and term

The members of the City Council in office at the time this Charter takes effect shall continue in office until the expiration of their respective terms and until their successors qualify.

The vacancies on the City Council caused by the increase in number of Councilmen from five to seven shall be filled by appointment by the City Council. At the first general election under this Charter, on the first Tuesday in April, 1950, the terms of such appointees shall expire and their successors shall be elected for the full term of four years.

Ties among candidates for any office shall be settled by lot.

Section 401—Eligibility. No person shall be eligible to hold office as a member of the City Council unless he is, and shall have been for at least three years preceding his election or appointment, a qualified elector of the City or of territory annexed thereto. Eligibility

Section 402—Compensation. The members of the City Council shall receive no compensation for their services as such, but shall receive reimbursement on order of the City Council Compensation

for Council authorized traveling and other expenses when on official duty.

Vacancies:

Section 403—Vacancies. A vacancy in the City Council from whatever cause arising, shall be filled by appointment by the City Council, such appointee to hold office until the first Tuesday following the next general municipal election and until his successor qualifies. At the next general municipal election following any vacancy, a Councilman shall be elected to serve for the remainder of any unexpired term.

If a member of the City Council absents himself from all regular meetings of the City Council for a period of sixty days consecutively from and after the last regular City Council meeting attended by such a member, unless by permission of the City Council expressed in its official minutes, or is convicted of a crime involving moral turpitude, or of a violation of Section 406 of this Charter, his office shall become vacant.

The City Council shall declare the existence of any vacancy. In the event it shall fail to fill a vacancy by appointment within thirty days after such office shall have been so declared vacant, it shall forthwith cause an election to be held to fill such vacancy.

Presiding  
officer  
Mayor

Section 404—Presiding Officer.

(a)—Mayor. On the first Tuesday following any general or special municipal election at which any Councilman or Councilmen are elected, the City Council shall meet and shall elect one of its members as its presiding officer, who shall have the title of Mayor. The Mayor shall have a voice and vote in all its proceedings. He shall be the official head of the City for all ceremonial purposes. He shall perform such other duties consistent with his office as may be prescribed by this Charter or as may be imposed by the City Council. The Mayor shall serve in such capacity at the pleasure of the City Council.

Mayor pro  
tempore

(b)—Mayor Pro Tempore. The City Council shall also designate one of its members as Mayor Pro Tempore who shall serve in such capacity at the pleasure of the City Council. The Mayor Pro Tempore shall perform the duties of the Mayor during his absence or disability.

Powers of  
city council

Section 405—Powers Vested in the City Council. All powers of the City, except as otherwise provided in this Charter, shall be vested in the City Council, and said Council may establish the method by which any of such power may be exercised.

Section 406 — Interference in Administrative Service. Neither the City Council nor any of its members shall interfere with the execution by the City Manager of his powers and duties, or order, directly or indirectly, the appointment by the City Manager, or by any of the department heads in the administrative service of the City, of any person to an office or employment or his removal therefrom. Except for the purpose of inquiry, the City Council and its members shall deal with the administrative service under the City Manager solely through the City Manager and neither the City Council nor any member thereof

shall give orders to any subordinates of the City Manager, either publicly or privately.

Section 407—Regular Meetings. The City Council shall hold regular meetings at least twice each month at such times as it shall fix by ordinance or resolution and may adjourn or re-adjourn any regular meeting to a date and hour certain, which shall be specified in the order of adjournment and when so adjourned, each adjourned meeting shall be a regular meeting for all purposes. If the hour to which a meeting is adjourned is not stated in the order of adjournment such meeting shall be held at the hour for holding regular meetings. If at any time any regular meeting falls on a holiday, such regular meeting shall be held on the next business day. Regular meetings

Section 408—Special Meetings. Special meetings may be called at any time by the Mayor, or by four members of the City Council, by written notice delivered personally to each member at least three hours before the time specified for the proposed meeting. A special meeting may also be validly held without the giving of such written notice if required to be held by this Charter or if all members shall give their consent, in writing, to the holding of such meeting and such consent is on file in the office of the City Clerk at the time of holding such meeting. A telegraphic communication from a member consenting to the holding of a meeting shall be considered a consent in writing. At any special meeting only such matters may be acted upon as are referred to in such written notice or consent. Special meetings

Section 409—Place of Meetings. All meetings shall be held in the Council Chambers of the City Hall and shall be open to the public. If, by reason of fire, flood or other emergency, it shall be unsafe to meet in the place designated, the meetings may be held for the duration of the emergency at such place as is designated by the Mayor, or, if he should fail to act, by four members of the City Council. Place of meetings

Section 410—Quorum. Proceedings. Four members of the City Council shall constitute a quorum to do business but a less number may adjourn from time to time. In the absence of all of the members of the City Council from any regular meeting, the City Clerk may declare the same adjourned to a stated day and hour. Notice of a meeting so adjourned shall be given or may be waived in the same manner as specified in this Charter for the giving or waiving of notice of special meetings of the City Council. The City Council shall judge the qualifications of its members as set forth by the Charter. It shall judge all election returns. It may establish rules for the conduct of its proceedings and evict or prosecute any member or other person for disorderly conduct at any of its meetings. Each member of the City Council shall have the power to administer oaths and affirmations in any investigation or proceeding pending before the City Council. The City Council shall have the power and authority to compel the attendance of witnesses, to examine them under oath and to compel the production of evidence before it. Subpoenas may be issued in the name of the City and Quorum and proceedings

be attested by the City Clerk. Disobedience of such subpoenas, or the refusal to testify (upon other than constitutional grounds), shall constitute a misdemeanor, and shall be punishable in the same manner as violations of this Charter are punishable.

The City Council shall cause the City Clerk to keep a correct record of all its proceedings and at the demand of any member, or upon the adoption of any ordinance, resolution, or order for the payment of money, the City Clerk shall call the roll and shall cause the ayes and noes taken on such question to be entered in the minutes of the meeting.

Citizen  
participation

Section 411—Citizen Participation. No citizen shall be denied the right personally, or through counsel, to present grievances or offer suggestions for the betterment of municipal affairs, at any regular meeting of the Council, nor to speak to the subject of any special meeting.

Adoption of  
ordinances  
and  
resolutions

Section 412—Adoption of Ordinances and Resolutions. With the sole exception of ordinances which take effect upon adoption referred to in this Article, no ordinance shall be adopted by the City Council on the day of its introduction, nor within five days thereafter nor at any time other than at a regular or adjourned regular meeting nor until such ordinance shall have been published as required in this Charter. At the time of introduction or adoption of an ordinance or resolution it shall be read in full, unless after the reading of the title thereof, the further reading thereof is waived by unanimous consent of the Councilmen present. In the event that any ordinance is altered after its introduction, the same shall not be finally adopted except at a regular or adjourned regular meeting, held not less than five days after the date upon which such ordinance was so altered. The correction of typographical or clerical errors shall not constitute the making of an alteration within the meaning of the foregoing sentence.

No order for the payment of money shall be adopted or made at any other than a regular or adjourned regular meeting.

Unless a higher vote is required by other provisions of this Charter, the affirmative votes of at least four members of the City Council shall be required for the enactment of any ordinance or resolution, for the making or approving of any order for the payment of money, or for the removal of any officer of the City appointed by it.

All ordinances and resolutions shall be signed by the Mayor and attested by the City Clerk

### Emergency Ordinances.

Emergency  
ordinances

Any ordinance declared by the City Council to be necessary as an emergency measure for preserving the public peace, health or safety, and containing a statement of the reasons for its urgency, may be introduced and adopted at one and the same meeting if passed by at least five affirmative votes.

Section 413—Ordinances. Enactment. In addition to such acts of the City Council as are required by other provisions of this Charter to be by ordinance, every act of the City Council establishing a fine or other penalty, or granting a franchise, shall be by ordinance. Acts establishing fines, penalties, or franchises

The enacting clause of all ordinances adopted by the City Council shall be substantially as follows: "The City Council of the City of San Leandro does ordain as follows:"

Section 414—Ordinances. Publication. The City Clerk shall cause each ordinance to be published at least once in the official newspaper prior to its adoption. Notice

Section 415—Codification of Ordinances. Any or all ordinances of the City which have been enacted and published in the manner required at the time of their adoption, and which have not been repealed, may be compiled, consolidated, revised, indexed and arranged as a comprehensive ordinance code, and such code may be adopted by reference with the same effect as an ordinance by the passage of an ordinance for such purpose. Such code need not be published in the manner required for other ordinances, but not less than three copies thereof shall be filed for use and examination by the public in the office of the City Clerk prior to the adoption thereof. Ordinances codified shall be repealed as of the effective date of the code. Subsequent amendments to sections of the code shall be enacted in the same manner as herein required for the amendment of ordinances generally. Codification of ordinances

Detailed regulations pertaining to any subject such as the construction of buildings, plumbing, wiring or other subjects which require extensive regulations, when arranged as a comprehensive code, may likewise be adopted by reference in the manner provided in this section.

Section 416—Ordinances When Effective. No ordinance adopted by the City Council shall become effective until thirty days from and after the date of its adoption, except the following, which shall take effect upon adoption: When ordinances effective

- (a) An ordinance calling or otherwise relating to an election;
- (b) An improvement proceeding ordinance adopted under some law or procedural ordinance;
- (c) An ordinance declaring the amount of money necessary to be raised by taxation, or fixing the rate of taxation, or levying the annual tax upon property;
- (d) An emergency ordinance adopted in the manner provided for in this Article; or
- (e) An ordinance annexing areas to the City.

Section 417—Ordinances, Violation, Penalty. A violation of any ordinance of the City shall constitute a misdemeanor and may be prosecuted in the name of the People of the State of California or may be redressed by civil action. The maximum fine or penalty for any violation of a city ordinance shall be the sum of Five Hundred Dollars, or a term of imprisonment for a period not exceeding six months, or both such fine and Penalty for violation of ordinances

imprisonment. The City Council may provide by ordinance that persons imprisoned in the City jail for violation of law or ordinance may be compelled to labor on public works.

Amendment  
of  
ordinances

Section 418—Ordinances, Amendment. The amendment of any section or sections of an ordinance may be accomplished solely by the re-enactment of such section or sections at length, as amended.

Publication  
of notice

Section 419—Publishing of Legal Notices. In the event that there is more than one newspaper of general circulation published and circulated in the City, the City Council, annually, prior to the beginning of each fiscal year, shall publish a notice inviting bids and contract for the publication of all legal notices or other matter required to be published in a newspaper of general circulation published and circulated in said City, during the ensuing fiscal year. In the event there is only one newspaper of general circulation published in the City, then the City Council shall have the power to contract with such newspaper for the printing and publishing of such legal notices without being required to advertise for bids therefor. The newspaper with which any such contract is made shall be designated the official newspaper for the publication of such notices or other matter for the period of such contract.

In no case shall the contract prices for such publication exceed the customary rates charged by such newspaper for the publication of legal notices of a private character.

In the event there is no newspaper of general circulation published and circulated in the City, then all legal notices or other matter may be published by posting copies thereof in at least three public places in the City.

No defect or irregularity in proceedings taken under this section, or failure to designate an official newspaper, shall invalidate any publication where the same is otherwise in conformity with this Charter or law or ordinance.

#### Article V—City Manager

City  
manager  
Appointment

Section 500—City Manager. There shall be a City Manager who shall be the chief administrative officer of the City. He shall be appointed by and serve at the pleasure of the City Council. He shall be chosen on the basis of his administrative qualifications and shall be paid a salary fixed by the Council commensurate with his responsibilities.

No person shall be eligible to receive appointment as City Manager while serving as a member of the City Council nor within one year after he has ceased to be a City Councilman.

Powers and  
duties

Section 501—City Manager, Powers and Duties. The City Manager shall be the head of the administrative branch of the City government. He shall be responsible to the City Council for the proper administration of all affairs of the City. Without limiting the foregoing general grant of powers, responsibilities and duties, the City Manager shall have power and be required to:

(a) Appoint and remove, subject to the Civil Service provisions of this Charter, all department heads and officers of the City except elective officers, the librarian, and those department heads and officers the power of appointment of whom is vested in the City Council, and pass upon and approve all proposed appointments and removals by department heads and other appointive officers other than the librarian;

(b) Prepare the budget annually, submit such budget to the City Council and be responsible for its administration after adoption;

(c) Prepare and submit to the City Council as of the end of the fiscal year a complete report on the finances and administrative activities of the City for the preceding year;

(d) Keep the City Council advised of the financial condition and future needs of the City and make such recommendations as may seem to him desirable;

(e) Establish a centralized purchasing system for all City offices, departments and agencies;

(f) Prepare rules and regulations governing the contracting for, purchasing, storing, distribution, or disposal of all supplies, materials and equipment required by any office, department or agency of the City government and recommend them to the City Council for adoption by it, by ordinance;

(g) Enforce the laws of the State pertaining to the City, the provisions of this Charter and the ordinances of the City;

(h) Engage in no other business or occupation; establish his residence within the City within 90 days after his appointment unless such period is extended by the City Council, and thereafter maintain his residence within the City during his tenure of office;

(i) Perform such other duties consistent with this Charter as may be required of him by the City Council

Section 502—City Manager, Meetings. The City Manager shall be accorded a seat at the City Council table and at all meetings of boards and commissions and shall be entitled to participate in their deliberations, but shall not have a vote. He shall receive notice of all special meetings of the City Council, boards, and commissions Participation  
in council

Section 503—Manager Pro Tempore. The City Manager shall appoint, subject to the approval of the City Council, one of the other officers or department heads of the City to serve as Manager Pro Tempore during any temporary absence or disability of the City Manager. Manager pro  
tempore

## Article VI—Officers and Employees

Section 600—Officers to be Appointed by the City Council. In addition to the City Manager, there shall be a City Attorney, City Judge and City Clerk, who shall be appointed by and serve at the pleasure of the City Council. City council  
appointees

The person holding the position of City Clerk, if he shall have served continuously in such position for the period of one



year immediately prior to the effective date of this Charter, shall be discharged only for cause, after hearing, by motion of the City Council adopted by at least five affirmative votes.

Administra-  
tive  
departments

Section 601—Administrative Departments. The City Council may provide by ordinance not inconsistent with this Charter for the organization, conduct and operation of the several offices and departments of the City as established by this Charter, for the creation of additional departments, divisions, offices and agencies and for their alteration or abolition. It may further provide by ordinance or resolution for the assignment and reassignment of divisions, offices and agencies to departments, and for the number, titles, qualifications, powers, duties and compensation of all officers and employees.

Each department so created shall be headed by an officer as department head who shall be appointed by the City Manager, subject to the Civil Service provisions of this Charter.

City clerk:  
Powers and  
duties

Section 602—City Clerk. Powers and Duties. The City Clerk shall have power and be required to:

(a) Attend all meetings of the City Council and be responsible for the recording and maintaining of a full and true record of all of the proceedings of the City Council in books that shall bear appropriate titles and be devoted to such purpose;

(b) Maintain separate books, in which shall be recorded respectively all ordinances and resolutions, with the certificate of the Clerk annexed to each thereof stating the same to be the original or a correct copy, and as to an ordinance requiring publication, stating that the same has been published or posted in accordance with this Charter; keep all books properly indexed and open to public inspection when not in actual use;

(c) Maintain separate books, in which a record shall be made of all written contracts and official bonds;

(d) Be the custodian of the seal of the City;

(e) Administer oaths or affirmations, take affidavits and depositions pertaining to the affairs and business of the City and certify copies of official records;

(f) Have charge of all City elections; and

(g) Perform such other duties consistent with this Charter as may be required of him by the City Council.

City  
attorney  
powers and  
duties

Section 603—City Attorney, Powers and Duties. To become eligible for City Attorney the person appointed shall be an attorney-at-law duly licensed as such under the laws of the State of California. The City Attorney shall have power and be required to:

(a) Represent and advise the City Council and all City Officers in all matters of law pertaining to their offices;

(b) Represent and appear for the City and any City officer or employee, or former City officer or employee, in any or all actions and proceedings in which the City or any such officer or employee, in or by reason of his official capacity, is concerned or is a party;

(c) Attend all regular meetings of the City Council and give his advice or opinion in writing whenever requested to do

so by the City Council or by any of the boards or officers of the City ;

(d) Approve the form of all bonds given to, and the form of all contracts made by the City, endorsing his approval thereon in writing ;

(e) Prepare any and all proposed ordinances or resolutions for the City, and amendments thereto ;

(f) Prosecute on behalf of the people such criminal cases for violations of this Charter, of City ordinances and of misdemeanor offenses arising upon violation of the laws of the State as in his opinion, or that of the City Council, or of the City Manager, warrant his attention ;

(g) Devote such time to the duties of his office as may be specified in the ordinance or resolution fixing the compensation for such office ; and

(h) On vacating the office surrender to his successor all books, papers, files and documents pertaining to the City's affairs.

The City Council shall have control of all legal business and proceedings and may employ other attorneys to take charge of any litigation or matter or to assist the City Attorney therein.

Section 604—City Judge, Powers and Duties. To be eligible for appointment as City Judge, the person shall have been duly licensed to practice law under the laws of the State of California, and shall have been engaged in the practice of law for at least two years prior to his appointment.

City judge:  
Powers and  
duties

The City Judge shall preside over the City Court and shall have the power and perform the duties of a magistrate. In all cases where the City Judge is disqualified or unable to act, any other City Judge or Justice of the Peace having the qualifications herein stated may be called in. The City Judge shall devote such time to the duties of his office as may be specified in the ordinance or resolution fixing the compensation for such office.

Section 605—Finance Officer, Powers and Duties. There shall be a Finance Department headed by a Finance Officer who shall have power and be required to :

Finance  
officer:  
Powers and  
duties

(a) Have charge of the administration of the financial affairs of the City under the direction of the City Manager ;

(b) Compile the budget expense and income estimates for the City Manager ;

(c) Supervise and be responsible for the disbursement of all moneys and have control over all expenditures to insure that budget appropriations are not exceeded ; audit all purchase orders before issuance ; audit and approve before payment all bills, invoices, pay rolls, demands or charges against the City government and, with the advice of the City Attorney, when necessary, determine the regularity, legality and correctness of such claims, demands or charges ;

(d) Maintain a general accounting system for the City government and each of its offices, departments and agencies ;

(e) Keep separate accounts for the items of appropriation contained in the City budget, each of which accounts shall show

the amount of the appropriation, the amounts paid therefrom, the unpaid obligations against it and the unencumbered balance; require reports of the receipts and disbursements from each receiving and expending agency of the City government to be made daily or at such intervals as he may deem expedient;

(f) Submit to the City Council through the City Manager a monthly statement of all receipts and disbursements in sufficient detail to show the exact financial condition of the City; and as of the end of each fiscal year, submit a complete financial statement and report;

(g) Collect all taxes, assessments, license fees and other revenues of the City, or for whose collection the City is responsible, and receive all taxes or other money receivable by the City from the County, State or Federal Government, or from any court, or from any office, department or agency of the City;

(h) Have custody of all public funds belonging to or under the control of the City or any office, department, or agency of the City government, and deposit all funds coming into his hands in such depository as may be designated by resolution of the City Council, or, if no such resolution be adopted, by the City Manager, and in compliance with all of the provisions of the State Constitution and laws of the State, governing the handling, depositing and securing of public funds; and

(i) Supervise the keeping of current inventories of all property of the City by all city departments, offices and agencies

Duties of  
officers and  
employees

Section 606—Duties of Officers, and Employees. The City Council by ordinance may assign additional functions or duties to offices, departments or agencies established by this Charter, but may not discontinue or assign to any other office, department or agency any function or duty assigned by this Charter to a particular office, department or agency.

Where the positions are not incompatible, the City Council may combine in one person the powers and duties of two or more offices created or provided for in the Charter. No office provided herein to be filled by appointment by the City Manager may be combined with an office provided herein to be filled by appointment by the City Council.

Notwithstanding the foregoing, the City Council may transfer or consolidate functions of the City government to or with appropriate functions of the State or County government, or may make use of such functions of the State or County government, and in case of any such transfer or consolidation the provisions of this Charter providing for the function of the City government so transferred or consolidated, shall be deemed suspended during the continuance of such transfer or consolidation, to the extent that such suspension is made necessary or convenient and is set forth in the ordinance or resolution establishing such transfer or consolidation. Any such transfer or consolidation may be repealed in like manner.

Administer-  
ing oaths

Section 607—Administering Oaths. Each department head and his deputies shall have the power to administer oaths

and affirmations in connection with any official business pertaining to his department.

Section 608—Department Heads, Appointment Powers. Appointment powers of department heads Each department head and appointing officer shall have the power to appoint and remove such deputies, assistants, subordinates and employees as are provided for by the City Council for his department, or office, subject to the civil service provisions of this Charter and the rules and regulations promulgated thereunder, and, except as to the Library Department, subject to approval of the City Manager being first had and received. Appointments and removals by the Librarian as head of the Library Department shall be subject to such civil service provisions, rules and regulations, and subject to approval of the Library Board being first had and received.

Section 609—Illegal Contracts, Financial Interest. Illegal contracts No member of the City Council, department head or other officer of the City (except a member of any board or commission), shall be financially interested, directly or indirectly, in any contract, sale or transaction to which the City is a party.

No member of any board or commission shall be financially interested, directly or indirectly, in any contract, sale or transaction to which the City is a party and which comes before the board or commission of which such person is a member for approval or other official action or which pertains to the department, office or agency of the City with which such board or commission is connected.

Any contract, sale or transaction in which there shall be such an interest as specified in this section shall become void at the election of the City, when so declared by resolution of the City Council.

No member of the City Council, department head or other officer of the City, or member of any board or commission shall be deemed to be financially interested, within the meaning of the foregoing provisions, in any contract made with a corporation where his only interest in the corporation is that of a stockholder and the stock owned by him shall amount to less than three per cent of all the stock of such corporation issued and outstanding.

If any member of the City Council, department head or other officer of the City or member of a board or commission shall be financially interested as aforesaid, upon conviction thereof, he shall forfeit his office in addition to any other penalty which may be imposed for such violation of this Charter.

Section 610—Acceptance of Other Office. Acceptance of other office Any elected officer of the City who shall accept or retain any salaried public office, except as provided in this Charter, shall be deemed thereby to have vacated his office under the City government.

Section 611—Nepotism. Nepotism The City Council shall not appoint to a salaried position under the City government any person who is a relative by blood or marriage within the third degree of any one or more of the members of such City Council and neither shall any department head or other officer having

appointive power appoint any relative within such degree to any such position.

Official  
bonds

Section 612—Official Bonds. The City Council shall fix by ordinance the amounts and terms of the official bonds of all officials or employees who are required by ordinance to give such bonds. All bonds shall be executed by responsible corporate surety, shall be approved as to form by the City Attorney and shall be filed with the City Clerk. Premiums on official bonds shall be paid by the City.

There shall be no personal liability upon, or any right to recover against, a superior officer, or his bond, for any wrongful act or omission of his subordinate, unless such superior officer was a party to, or conspired in, such wrongful act or omission.

Oath of  
office

Section 613—Oath of Office. Each member of the City Council and of every board and commission and each officer, department head and full-time employee, before entering upon the discharge of the duties of his office, shall take, subscribe to and file with the City Clerk the following oath or affirmation:

“I do solemnly swear (or affirm, as the case may be) that I will support the Constitution of the United States and the Constitution of the State of California, that I will faithfully discharge the duties of the office of (here inserting name of office) according to the best of my ability, and that I am not a member of any organization which advocates the overthrow of the government of the United States by force or violence.”

## Article VII—Appointive Boards and Commissions

Existence  
and creation

Section 700—In General. There shall be the boards and commissions enumerated in this Article which shall have the powers and duties herein stated. In addition, the City Council may create by ordinance such boards or commissions as in its judgement are required and may grant to them such powers and duties as are consistent with the provisions of this Charter.

Appropriations

Section 701—Appropriations. The City Council shall include in the annual budget such appropriations of funds as in its opinion shall be sufficient for the efficient and proper functioning of such boards and commissions.

Appointments and terms

Section 702—Appointments Terms. The members of each of such boards or commissions shall be appointed by the City Council. They shall be subject to removal, by motion of the City Council adopted by at least five affirmative votes. The members thereof shall serve for a term of four years and until their respective successors are appointed and qualified.

The members first appointed to such boards and commissions shall so classify themselves by lot that each succeeding January 1st the term of one of their number shall expire. If the total number of members of a board or commission to be appointed exceeds four, the classification by lot shall provide for the grouping of terms to such an extent as is necessary in order that the term of at least one member shall expire on each succeeding January 1st, and that the number of terms expiring in

any year does not exceed by more than one the number expiring in any other year.

Section 703—Existing Boards. The members of the boards and commissions holding office when this Charter takes effect shall continue to hold office thereafter until their respective terms of office shall expire and until their successors shall be appointed and qualified. The successors of such members shall be appointed for terms of such duration, not exceeding four years, as will carry into effect the plan for staggered terms prescribed in the preceding section.

Existing  
boards.  
terms

Section 704—Meetings. Chairman. As soon as practicable, following the first day of January of every year, each of such boards and commissions shall organize by electing one of its members to serve as presiding officer at the pleasure of such board or commission. Each board or commission shall hold regular meetings as required by ordinance of the City Council, and such special meetings as such board or commission may require. All proceedings shall be open to the public.

Meetings.  
Chairman

The affirmative or negative vote of a majority of the entire membership of such board or commission shall be necessary for it to take action.

The City Manager shall designate a secretary for the recording of minutes for each of such boards and commissions, who shall keep a record of its proceedings and transactions. Each board or commission may prescribe its own rules and regulations which shall be consistent with this Charter and copies of which shall be kept on file in the office of the City Clerk where they shall be available for public inspection. Each shall have the same power as the City Council to compel the attendance of witnesses, to examine them under oath and to compel the production of evidence before it.

Section 705—Compensation. Vacancies. The members of boards and commissions shall serve without compensation for their service as such, but may receive reimbursement for necessary traveling and other expenses incurred on official duty when such expenditures have received authorization by the City Council.

Compensa-  
tion

Any vacancies in any board or commission, from whatever cause arising, shall be filled by appointment by the City Council. Upon a vacancy occurring, leaving an unexpired portion of a term, any appointment to fill such vacancy shall be for the unexpired portion of such term. If a member of a board or commission absents himself from three regular meetings of such board or commission, consecutively, unless by permission of such board or commission expressed in its official minutes, or is convicted of a crime involving moral turpitude, or ceases to be a qualified elector of the City, his office shall become vacant and shall be so declared by the City Council.

Vacancies

Section 706—Oaths. Affirmations. Each member of any such board or commission shall have the power to administer oaths and affirmations in any investigation or proceeding pending before such board or commission.

Oaths and  
affirmations

Planning  
commission

Section 707—Planning Commission. There shall be a City Planning Commission consisting of seven members to be appointed by the City Council from the qualified electors of the City, none of whom shall hold any paid office or employment in the City government.

Powers and  
duties

Section 708—Planning Commission, Powers and Duties. The Planning Commission shall have the power and duty to:

(a) Recommend to the City Council, after a public hearing thereon, the adoption, amendment, or repeal of a Master Plan or any part thereof for the physical development of the City; and

(b) Exercise such functions with respect to land subdivisions, planning and zoning as may be prescribed by ordinance.

Civil  
service  
commission

Section 709—Civil Service Commission. There shall be a Civil Service Commission consisting of three members to be appointed by the City Council from the qualified electors of the City, none of whom shall hold any salaried City office or employment, nor, while a member of the Commission or for a period of one year after he has ceased for any reason to be a member, be eligible for appointment to any salaried office or employment in the service of the City or to any City elective office.

Powers and  
duties

Section 710—Civil Service Commission, Powers and Duties. The Civil Service Commission shall have the power and duty to:

(a) Recommend to the City Council, after a public hearing thereon, the adoption, amendment or repeal of Civil Service rules and regulations;

(b) Hear appeals of any person in the Classified Service relative to any suspension, demotion or dismissal;

(c) Make any investigation which it may consider desirable concerning the administration of personnel in the municipal service and report its findings to the City Council and City Manager; and

(d) Receive from the City Manager an annual report of salaries to be paid employees of the City, hold a public hearing thereon and submit to the City Council, not later than March 15 annually, its findings and conclusions in the form of a written report of salaries to be paid employees of the City. The Council shall have thirty days after receipt of such report within which to consider and adopt, or to amend and adopt, such report. If the Council fails to take such action within such period the report in its original form as presented to the Council by the Commission shall become effective as of the first day of July of such year. Other changes in salaries for employees of the City may be made during the fiscal year only following the procedure provided for in this section. Any such changes shall take effect at the commencement of the first payroll period following the taking effect of the report of such Commission, unless a different date for the taking effect of such report is specified therein.

Board of  
library  
trustees

Section 711—Board of Library Trustees. There shall be a Board of Library Trustees consisting of five members to be

appointed by the City Council from the qualified electors of the City and no member of said Board shall hold any paid office or employment in the City government.

Section 712—Board of Library Trustees. Powers and Duties. The Board of Library Trustees shall have charge of the administration of the San Leandro Free Public Library, and shall have the power and duty to:

(a) Make and enforce such by-laws, rules and regulations as it may deem necessary for the administration and protection of the City Library;

(b) Appoint and remove the Librarian subject to the civil service provisions of this Charter, who shall be the department head, and pass upon and approve all proposed appointments and removals by such department head;

(c) Accept money, personal property or real estate donated to the City for library purposes, subject to the approval of the City Council; and

(d) Contract with school, County or other governmental agencies to render or receive library services or facilities, subject to the approval of the City Council.

Section 713—Recreation and Parks Commission. There shall be a Recreation and Parks Commission consisting of seven members to be appointed by the City Council from the qualified electors of the City or of the City School District and no member of said Commission shall hold any paid office or employment in the City government. The number of members to comprise the commission may be changed by ordinance of the City Council to not less than five nor more than nine members. In the event the City Council contracts with other agencies interested in recreation and parks for the joint exercise of any of such functions, such contract may provide for representation on the Commission of nominees of such agencies during the existence of such contract or extensions thereof.

Section 714—Recreation and Parks Commission, Powers and Duties. The Recreation and Parks Commission shall have the power and duty to:

(a) Act in an advisory capacity to the City Council in all matters pertaining to recreation and parks;

(b) Consider provisions of the annual budget for recreation and park purposes during the process of the preparation of the budget and make recommendations with respect thereto to the City Manager and the City Council; and

(c) Assist in the planning of a recreation program for the inhabitants of the City, promote and stimulate public interest therein, and to that end, solicit to the fullest extent possible the cooperation of school authorities and other public and private agencies interested therein.

#### Article VIII—Civil Service

Section 800—Merit Principle. Appointments and promotions in the Classified Service of the City shall be made according to merit and fitness and from eligible lists to be established



in accordance with Civil Service rules and regulations adopted in the manner provided in this Charter.

Unclassified  
and  
classified  
service

Section 801—Unclassified and Classified Service. The Civil Service of the City shall be divided into the Unclassified and the Classified Service.

Unclassified  
service

(a) The Unclassified Service shall comprise the following officers and positions:

1. All elected officers;
2. City Manager, City Attorney, City Judge, City Clerk, Finance Officer, all department heads and one confidential assistant or secretary to the City Manager;
3. All members of boards and commissions;
4. Positions in any class or grade created for a special or temporary purpose, for a period of not longer than ninety days in any one fiscal year;
5. Persons employed to render professional, scientific, technical or expert service of an occasional and exceptional character; and

6. Part-time employees paid on an hourly or per diem basis.

The Civil Service Commission, upon application of the appointing officer or board, and after public notice and hearing, may exempt any position in any class or grade for a maximum period of six months in any calendar year. Any such exemption shall not affect the tenure of any person whose appointment has become final under civil service.

Classified  
service

(b) The person holding the position of City Treasurer, formerly an elective office, if he shall have served continuously in such position for the period of one year immediately prior to the effective date of this Charter, shall assume regular status in the Classified Service in a part-time position having similar duties in the department headed by the Finance Officer.

(c) The Classified Service shall comprise all positions not specifically included by this section in the Unclassified Service.

(d) Any person who shall have served continuously for at least six months before this Charter takes effect in a position included for the first time in the classified service by this Charter shall assume regular status in such classified service in such position without preliminary examination.

Appoint-  
ments from  
classified  
service  
positions

Section 802—Appointments from Classified Service Positions. In the event an officer or employee of the City holding a position in the Classified Service is appointed to a position in the Unclassified Service, and should thereafter be removed or resign therefrom, he shall revert to his former position in the Classified Service without loss of any rights or privileges and upon the same terms and conditions as if he had remained in said position continuously.

Recruitment

Section 803—Recruitment. Examinations of applicants for positions in the Classified Service shall be practical and relate to those matters which fairly test the relative capacity of the applicants to discharge the duties of the positions to which they seek to be appointed.

No person may be an applicant who is not a citizen of the United States, or who has not resided in the City of San Leandro for at least one year next preceding the date of such examination. The residential requirement may be waived by the City Manager, upon approval of the Civil Service Commission as to particular examinations whenever he believes such waiver is in the public interest but in each instance he must declare in the proceeding the reason therefor.

#### VETERANS PREFERENCE

Any person who has served in any branch of the United States Military Services for 90 days in time of war and received an honorable discharge or is in inactive reserve, may, upon proof of service and upon attaining a passing grade in an entrance examination, be allowed an additional credit in grade marking as a veteran. Veterans preference

Section 804—Appointments. Upon the receipt of notice of a vacancy in the Classified Service, the City Manager or the officer under the City Manager having charge of personnel administration, shall certify to the appointing power the names of the three highest candidates on the eligible list for such position. The appointing power may appoint, of the three thus certified, whichever one in his opinion is best qualified for such position. No candidate may be certified more than three times for any one classified position. Appoint-ments

The City Manager, or other officer having charge of personnel administration, with the consent of the appointing power and of the Civil Service Commission, may certify less than three names for appointment in the event there remains less than three names on an eligible list and in the opinion of such officer and of the Civil Service Commission conditions warrant such action. When no eligible lists are available the City Manager, upon the recommendation of the Civil Service Commission and under such rules and regulations as it may prescribe, may authorize the appointing power to make temporary appointments in the Classified Service, in order to prevent the stoppage of public business and in order to meet extraordinary conditions, which appointments shall remain in force until regular appointments can be made, but in no case to exceed six months in any fiscal year.

If a sufficient number of applicants for a position in the Classified Service is not received, after advertising therefor has been completed in conformity with this Charter and rules and regulations adopted hereunder, the City Manager, upon the recommendation of the Civil Service Commission, may authorize an examination to proceed as to a lesser number of qualified applicants.

All original and promotional appointments shall be for a probationary period of not less than six months, during which the employee may be rejected at any time without right of a hearing before the Civil Service Commission.

An employee rejected during the probationary period from a position to which he has been promoted shall be reinstated to the position from which he was promoted, unless he is dismissed from the service of the City in addition to the rejection, in which event he shall have the right of a hearing before the Civil Service Commission as to such order of dismissal under the provision of Section 806 hereof.

Abolition of  
position  
Lay-offs

Section 805—Abolition of Position. Lay-offs. Whenever it becomes necessary, in the opinion of the City Council, to abolish a position, or to reduce the number of employees in a given class, in the Classified Service, the City Council may do so, by stating in its proceedings its reasons therefor. Should such position, or positions, be renewed or any position or positions involving substantially the same duties be created or filled within one year, the employee, or employees discharged shall be entitled to be appointed thereto.

All lay-offs occasioned by the abolishment of a position or the reduction in number of employees in a given class shall be governed by seniority in service and shall be in the reverse order of employment. Re-employment shall be in the reverse order of the lay-offs.

Suspension,  
demotion,  
and  
dismissal

Section 806—Suspension, Demotion and Dismissal. The boards or officers having appointive power are vested with the right to exercise the disciplinary and removal powers herein-after provided.

An employee holding a position in the Classified Service shall be subject to suspension without pay for a period of not exceeding thirty days in any one calendar year, or to demotion, or to removal from his position, for misconduct, incompetency, inefficiency, or failure to observe the rules or regulations of the department, office or agency, or to cooperate reasonably with his superiors or fellow employees, but subject to the right of the employee, other than one serving a probationary period, to a hearing before the Civil Service Commission in the manner set forth herein.

Such employee shall be entitled to receive, upon his request, at the office of the board or officer taking such action, not later than the second business day thereafter, a written statement in which shall be separately stated each of the charges against him upon which such suspension, demotion or removal is based, a copy of which statement shall be furnished to the Civil Service Commission. He shall have ten days after receipt of such statement within which to file an answer to such statement of charges should he desire to do so.

The answer shall be filed in the office of the City Clerk and with the Civil Service Commission. In his answer, or otherwise if no statement of charges has been made available to him as required, such employee may request a hearing by the Civil Service Commission to review such suspension, demotion or removal which shall be called and held as provided for in the rules and regulations. Hearings may be conducted informally and the rules of evidence need not apply.

The Civil Service Commission shall make written findings which shall state as to each charge whether or not such charge is sustained. Such Commission shall also set forth in writing its conclusions and recommendations based upon such findings and within ten days after concluding the hearing, it shall certify its findings, conclusions and recommendations to the board or officer from whose action the appeal was taken, and to the City Manager and City Council. If, with respect to a demotion, suspension or removal, such Civil Service Commission shall conclude that the charges on which such action was based were not proved or, although proved, were motivated by personal, racial, religious or political prejudice, a recommendation by it of reinstatement without loss of pay shall be binding upon the board or officer having appointive power and such board or officer shall forthwith order such reinstatement. Except as specified in the immediately preceding sentence, the recommendations of the Civil Service Commission shall be advisory only to the board or officer having appointive power. The findings and conclusions of such Civil Service Commission and, except as modified in this paragraph, the decision of such board or officer with respect to such recommendations shall be final and conclusive and no appeal shall be taken therefrom.

Where an appeal is taken to the Civil Service Commission from an order of dismissal, the vacancy in the position shall be considered a temporary vacancy pending final action by the Civil Service Commission and the board or officer having appointive power and may be filled only by a temporary appointment.

A reduction in pay shall be a demotion, under this section, unless it is a part of a plan to reduce salaries and wages in connection with a general economy or curtailment program. A failure to grant an increase to an individual, at a time when increases are granted generally as a part of a plan to increase salaries and wages throughout the City service, shall likewise be a demotion.

Section 807—Political Activities Prohibited No person holding any position in the Classified Service, or on an eligible list shall take an active part in any municipal political campaign or contribute thereto in behalf of any candidates, nor shall such person seek signatures to any petition seeking to advance the candidacy of any person for any municipal office. Nothing in this section shall be construed to prevent any such persons from seeking election or appointment to public office. Upon becoming a candidate for public office any such person shall request and be granted a leave of absence, without pay, to remain in effect during the period of time such person is a candidate.

No person in the Classified Service, or seeking admission thereto, shall be employed, promoted, demoted or discharged or in any way favored or discriminated against because of political opinions or affiliations or because of race or religious belief.

No officer or employee of the City and no candidate for any City office shall, directly or indirectly, solicit any assessment, subscription or contribution, whether voluntary or involuntary, for any municipal political purpose whatever, from anyone on the eligible lists or holding any position in the Classified Service.

Prohibitions

Section 808—Prohibitions. No person shall willfully or corruptly make any false statement, certificate, mark, rating or report in regard to any application, test, certification or appointment held or made under the Civil Service provisions of this Charter or in any manner commit or attempt any fraud preventing the impartial execution of such Civil Service provisions or rules and regulations made hereunder. In addition to the penalties provided for in this Charter for violations of its provisions, any person who by himself or with others wilfully or corruptly violates any of the provisions of this Article shall upon conviction thereof be ineligible for a period of five years for employment in the City Service and shall immediately forfeit his office or position if he be an officer or employee of the City.

Contract for performance of administrative functions

Section 809—Contract for Performance of Administrative Functions. The City Council may contract with the governing body of a city, or county within this state, or with a state department or other public or private agency for the preparation or conducting of competitive examinations for positions in the City service or for the performance of any other personnel administration service.

Certification of payroll

Section 810—Certification of Payroll. No disbursing officer shall pay any salary, wages or other compensation to any person holding a position in the Classified Service unless the payroll or account bears the certificate of the personnel officer or his designated representative, that persons named therein were appointed or employed and were performing services according to the provisions of this Article and the rules adopted hereunder.

#### Article IX—Retirement

State system of retirement

Section 900—State System. Plenary authority and power are hereby vested in said City, its City Council and its several officers, agents and employees to do and perform any act, or exercise any authority granted, permitted, or required under the provisions of the State Employees' Retirement Act, as it now exists or may hereafter be amended, to enable said City to continue as a contracting City participating in the said Retirement System. The City Council may terminate any such contract with the Board of Administration of the State Employees' Retirement System only under authority granted by ordinance adopted by a majority vote of the electors of the City, voting on such proposition at an election at which such proposal is presented.

#### Article X—Elections

General municipal elections

Section 1000—General Municipal Elections. General municipal elections for the election of officers and for such other

purposes as the City Council may prescribe shall be held in said City on the first Tuesday in April in each even numbered year commencing with the year 1950.

Section 1001—Special Municipal Elections. All other municipal elections that may be held by authority of this Charter, or of any law, shall be known as special municipal elections. Special municipal elections

Section 1002—Procedure for Holding Elections. Unless otherwise provided by ordinance, hereafter enacted, all elections shall be held in accordance with the provisions of the Elections Code of the State of California, as the same now exist or may hereafter be amended, for the holding of elections in cities of the sixth class so far as the same are not in conflict with this Charter. Procedure

Section 1003—Initiative Referendum and Recall. There are hereby reserved to the electors of the City the powers of the initiative and referendum and of the recall of municipal elective officers. The provisions of the Elections Code of the State of California, as the same now exist or may hereafter be amended, governing the initiative and referendum and of the recall of municipal officers, shall apply to the use thereof in the City so far as such provisions of the Election Code are not in conflict with this Charter. Initiative referendum, and recall

#### Article XI—Fiscal Administration

Section 1100—Fiscal Year. The fiscal year of the City government shall begin on the first day of July of each year and end on the thirtieth day of June of the following year. Fiscal year

Section 1101—Annual Budget, Preparation by the City Manager. At such date as he shall determine, the City Manager, through the Finance Officer, shall obtain from each department head estimates of revenue and expenditure for his department, detailed in such manner as may be prescribed by the City Manager. In preparing the proposed budget, the City Manager shall review the estimates, hold conferences thereon with the department heads, respectively, and may revise the estimates as he may deem advisable. Annual budget

Section 1102—Budget, Submission to City Council. At least thirty-five days prior to the beginning of each fiscal year, the City Manager shall submit to the City Council the proposed budget as prepared by him. After reviewing same and making such revisions as it may deem advisable, the City Council shall determine the time for the holding of a public hearing thereon and shall cause to be published a notice thereof not less than ten days prior to said hearing, by at least one insertion in the official newspaper. Submission to city council

Copies of the proposed budget shall be available for inspection by the public in the office of the City Clerk at least ten days prior to said hearing.

Section 1103—Budget, Public Hearing. At the time so advertised or at any time to which such public hearing shall from time to time be adjourned, the City Council shall hold a Public hearing

public hearing on the proposed budget, at which interested persons desiring to be heard shall be given such opportunity.

Further  
consideration  
and adoption

Section 1104—Budget, Further Consideration and Adoption. After the conclusion of the public hearing the City Council shall further consider the proposed budget and make any revisions thereof that it may deem advisable and on or before June 30, it shall adopt the budget with revisions, if any, by the affirmative votes of at least four members. Upon final adoption, the budget shall be in effect for the ensuing fiscal year. A copy thereof, certified by the City Clerk, shall be filed with the person retained by the City Council to perform auditing functions for the Council and a further copy shall be placed, and shall remain on file, in the office of the City Clerk where it shall be available for inspection. The budget so certified shall be reproduced and copies made available for the use of departments, offices and agencies of the City.

Appropriations

Section 1105—Budget, Appropriations. From the effective date of the budget, the several amounts stated therein as proposed expenditures shall be and become appropriated to the several departments, offices and agencies for the respective objects and purposes therein named. All appropriations shall lapse at the end of the fiscal year to the extent that they shall not have been expended or lawfully encumbered

At any meeting after the adoption of the budget, the City Council may amend or supplement the budget by motion adopted by the affirmative votes of at least five members.

Tax limits

Section 1106—Tax Limits. (a) The City Council shall not levy a property tax for municipal purposes in excess of One Dollar annually on each One Hundred Dollars of the assessed value of taxable property in the City, except as otherwise provided in this section, unless authorized by the affirmative votes of a majority of the electors voting on a proposition to increase such levy at any election at which the question of such additional levy for municipal purposes is submitted to the electors. The number of years that such additional levy is to be made shall be specified in such proposition.

(b) There shall be levied and collected at the time and in the same manner as other property taxes for municipal purposes are levied and collected, as additional taxes, if no other provisions for payment thereof is made:

1. A tax sufficient to meet all obligations of the City for principal and interest of all bonds or judgments due and unpaid, or to become due during the ensuing fiscal year which constitute general obligations of the city; and

2. A tax sufficient to meet all obligations of the City to the State Employees Retirement System for the retirement of City employees due and unpaid or to become due during the ensuing fiscal year.

(c) Special levies in addition to the above may be made annually in amounts not to exceed the limits hereinafter enu-

merated in this section, respectively, on each One Hundred Dollars of the assessed value of taxable property in the City:

1. For libraries, 15 cents;
2. For recreation and parks, 20 cents.

The proceeds of any such special levy shall be used only for the respective purposes for which it is levied.

Section 1107—Tax System Tax system The procedure for the assessment, levy and collection of taxes upon property, taxable for municipal purposes, may be prescribed by ordinance of the City Council.

Section 1108—Bonded Debt Limit. Bonded debt limit The City shall not incur an indebtedness evidenced by general obligation bonds which shall in the aggregate exceed the sum of fifteen percent of the total assessed valuation for purposes of City taxation, of all the real and personal property within the City.

No bonded indebtedness which shall constitute a general obligation of the City may be created unless authorized by the affirmative votes of two-thirds of the electors voting on such proposition at any election at which the question is submitted to the electors and unless in full compliance with the provisions of the State Constitution and of this Charter.

Section 1109—Contracts on Public Works Contracts on public works Every project involving an expenditure of more than One Thousand Dollars for the construction or improvement of public buildings, works, drains, sewers, utilities, parks, playgrounds and streets (exclusive of projects for resurfacing, maintenance and repair of streets) shall be let by contract to the lowest responsible bidder after notice by publication in the official newspaper by one or more insertions, the first of which shall be at least seven days before the time for opening bids.

All bids shall be accompanied by either a certified, or cashier's check, or a bidder's bond executed by a corporate surety authorized to engage in such business in California, made payable to the City. Such security shall be in an amount not less than that specified in the notice inviting bids or in the specifications referred to therein, or if no amount be so specified then in an amount not less than ten per cent of the aggregate amount of the bid. If the successful bidder neglects or refuses to enter into the contract, within the time specified in the notice inviting bids or specifications referred to therein, the amount of his bidder's security shall be declared forfeited to the City and shall be collected and paid into its general fund and all bonds so forfeited shall be prosecuted and the amount thereof collected and paid into such fund.

The City Council may reject any and all bids presented and may re-advertise in its discretion.

The City Council after rejecting bids, or if no bids are received, may declare and determine that, in its opinion, based on estimates approved by the City Manager the work in question may be performed better or more economically by the City with its own employees and after the adoption of a resolution to this effect by at least five affirmative votes of the Council



may proceed to have said work done in the manner stated, without further observance of the provisions of this section. Such contracts likewise may be let without advertising for bids, if such work shall be deemed by the City Council to be of urgent necessity for the preservation of life, health or property, and shall be authorized by resolution passed by at least five affirmative votes of the Council and containing a declaration of the facts constituting such urgency.

Centralized  
purchasing

Section 1110 — Centralized Purchasing. A centralized purchasing system shall be established for all City departments, offices and agencies. The City Manager shall recommend and the City Council shall consider and adopt by ordinance, rules and regulations governing the contracting for, purchasing, storing, distribution or disposal of all property, supplies, materials and equipment required by any department, office or agency of the City government.

Competitive  
bidding

Section 1111—Competitive Bidding. Before making purchases of, or contracts for, supplies, materials or equipment, ample opportunity shall be given for competitive bidding, under such rules and regulations and with such exceptions as the City Council may prescribe in the ordinance setting up such rules and regulations. When making purchases for the City, merchants with places of business located within the City shall be given the preference, quality and prices being equal.

Cash basis  
fund

Section 1112—Cash Basis Fund. The City shall maintain a revolving fund, to be known as the "Cash Basis Fund," for the purpose of placing the payment of the running expenses of the City on a cash basis. A reserve shall be built up in this fund from any available sources in an amount which the City Council deems sufficient with which to meet all lawful demands against the City for the first five months, or other necessary period, of the succeeding fiscal year prior to the receipt of ad valorem tax revenues. Transfers may be made from such fund to any other fund or funds of such sum or sums as may be required for the purpose of placing such funds, as nearly as possible, on a cash basis.

All money so transferred from the Cash Basis Fund shall be returned thereto before the end of the fiscal year.

Capital  
outlays fund

Section 1113—Capital Outlays Funds. A fund for capital outlays generally, is hereby created, to be known as the "Capital Outlays Fund." The City Council may create by ordinance a special fund or funds for a special capital outlay purpose.

The City Council may levy and collect taxes for capital outlays and may include in the annual tax levy a levy for such purposes in which event it must apportion and appropriate to any such fund or funds the moneys derived from such levy. It may not, in making such levy, exceed the maximum tax rate provided for in this Charter, unless authorized by the affirmative votes of a majority of the electors voting on the proposition at any election at which such question is submitted. The

City Council may transfer to any such fund any unencumbered surplus funds remaining on hand in the City at any time.

Once created, such fund shall remain inviolate for the purpose for which it was created; if for capital outlays generally, then for any such purposes, and if for a special capital outlay, then for such purpose only, unless the use of such fund for some other purpose is authorized by the affirmative votes of a majority of the electors voting on such proposition at a general or special election at which such proposition is submitted.

If the purpose for which any special capital outlay fund has been created has been accomplished the City Council may transfer any unexpended and unencumbered surplus remaining in such fund to the fund for capital outlays generally, established by this Charter.

Section 1114—Departmental Trust Fund. The City Council shall prescribe by ordinance for the setting up of a “Departmental Trust Fund” into which the collections of the various departments, offices and agencies shall be deposited daily by the respective officers handling the receipt of such collections. Withdrawals from such fund may be made by the Finance Officer only on order signed by the proper department or division head and for the following purposes only:

(a) The making of refund of bail which has been exonerated or of other refundable deposits;

(b) The making of settlements with City funds at the end of each calendar month for collections accumulated during the month.

Petty Cash Funds. The City Council may provide for revolving petty cash funds, to be paid to the City Manager or department or division heads and used for payment in cash of expenditures provided for in the budget that cannot conveniently be paid otherwise.

Section 1115—Presentation of Demands. Any demand against the City must be in writing and may be in form of a bill, invoice, payroll, or formal demand. Each such demand shall be presented to the Finance Officer, who shall examine the same. If the amount thereof is legally due and there remains on his books an unexhausted balance of an appropriation against which the same may be charged, he shall approve such demand and draw his warrant on the City Treasury therefor, payable out of the proper fund. Objections of the Finance Officer may be overruled by the City Council and the warrant ordered drawn.

The Finance Officer shall transmit such demand, with his approval or rejection thereof endorsed thereon, and warrant, if any, to the City Manager. If a demand is one for an item included within an approved budget appropriation, it shall require the approval of the City Manager, otherwise it shall require the approval of the City Council, following the adoption by it of an amendment to the budget authorizing such payment. Any person dissatisfied with the refusal of the City Manager to approve any demand, in whole or in part, may present the same to the

City Council, which after examining into the matter may approve or disapprove the demand in whole or in part.

Registering  
warrants

Section 1116—Registering Warrants. Warrants on the City Treasury which are not paid for lack of funds shall be registered. All registered warrants shall be paid in the order of their registration when funds therefor are available and shall bear interest from date of registration at such rate as shall be fixed by the City Council by resolution.

Actions:  
against city

Section 1117—Actions Against City. No suit shall be brought on any claim for money or damages against the City or any board, or officer thereof until a demand for the same has been presented as herein provided and rejected in whole or in part. If rejected in part, suit may be brought to recover the whole. Except in those cases where a shorter time is otherwise provided by law, all claims for damages against the City must be presented to the Finance Officer within ninety days after the occurrence, event or transaction from which the damages allegedly arose, and shall set forth in detail the name and address of the claimant, the time, date, place and circumstances of the occurrence and the extent of the injuries or damages received; all other claims or demands shall be presented within ninety days after the last item of the account or claim accrued.

In all cases such claims shall be approved or rejected in writing and the date thereof given. Failure to complete the action approving or rejecting any claim or demand within sixty days from the day the same is filed with the Finance Officer shall be deemed a rejection thereof.

Independent  
audit

Section 1118—Independent Audit The City Council shall employ, at the beginning of each fiscal year, an independent public accountant who, at such time or times as may be specified by the City Council, shall examine the books, records, inventories and reports of all officers and employees who receive, handle or disburse public funds and all such other officers, employees or departments as the City Council may direct. As soon as practicable after the end of the fiscal year, a final audit and report shall be submitted by such accountant to the City Council, one copy thereof to be distributed to each member, one to the City Manager, Finance Officer and City Attorney, respectively, and three additional copies to be placed on file in the office of the City Clerk where they shall be available for inspection by the general public.

## Article XII—Board of Education

Board.  
Number and  
term

Section 1200—Number and Term. The Board of Education shall consist of five members elected from the San Leandro School District at large, at the times and in the manner in this Charter provided, and who shall serve a term of four years and until their successors are elected and qualified. Members of the Board of Education shall receive no compensation for their services as such.

Section 1201—First Board Under Charter. Notwith- <sup>First board</sup>standing the provisions of the foregoing section, the members of the Board of Education of the existing San Leandro School District holding office when this Charter takes effect shall serve on the Board of Education provided for herein until their respective terms shall expire and until their successors shall be elected and qualified under this Charter.

At the first general municipal election under this Charter, to be held on the second Tuesday in April, 1950, three members of the Board of Education shall be elected for the full term of four years. At the general municipal election to be held on the second Tuesday in April, 1952, two members of the Board of Education shall be elected for the full term of four years. Thereafter, at each general municipal election either two or three members of said Board, as the case may be, shall be elected to fill the vacancies caused by the expiration of such terms.

Section 1202—Eligibility. No person shall be eligible to <sup>Eligibility</sup> hold office as a member of the Board of Education unless he shall be a qualified elector of the territory comprising the School District at the time of his nomination and shall have been a resident thereof for at least three years next preceding the date of his election or appointment.

Section 1203—Vacancies. A vacancy in the Board of <sup>Vacancies</sup> Education from whatever cause arising shall be filled by appointment by the Board of Education, such appointee to hold office until the first Tuesday following the next general municipal election and until his successor is elected and qualified. At the next general municipal election following any vacancy, a new member shall be elected to serve for the remaining period of any unexpired term.

In the event that three or more vacancies exist in said Board at one time, then the County Superintendent of schools shall fill all vacancies therein by appointment, such appointees to hold office for the same length of time as if appointed by the Board of Education.

If a member of the Board of Education absents himself from three regular meetings of the Board, consecutively, unless by permission of the Board expressed in its official minutes, or is convicted of a crime involving moral turpitude, or ceases to be an elector of the School District, his office shall become vacant and shall be so declared by the Board of Education.

### Article XIII—City Court

Section 1300—City Court A City Court is hereby estab- <sup>City court</sup>lished in the City to be presided over by the City Judge of said City. The jurisdiction of the City Court shall be the same as is now or may hereafter be provided by law for the Justice's Court exercising jurisdiction within the City, and shall include all actions, and proceedings other than civil actions arising within the corporate limits of the City and which might be tried in such Justice's Court.

The City Court shall have jurisdiction of all civil and criminal actions for violations of this Charter or of any ordinance of the City.

The rules of practice in said City Court shall be the same as are now or may hereafter be prescribed by law for such Justice's Court in like cases. Appeals may be taken to the Superior Court of the County, in like manner as in cases of appeals from such Justice's Court. In the event the system of Justice's Courts shall be succeeded by a new system of courts inferior to the Superior Courts then the criminal jurisdiction and rules of practice of the City Court shall be the same as shall be prescribed by law for such new system of inferior courts.

#### Article XIV—Franchises

Granting of franchises

Section 1400—Granting of Franchises. Any person, firm or corporation furnishing the City or its inhabitants with transportation, communication, terminal facilities, water, light, heat, gas, power, refrigeration, storage, garbage or rubbish removal or any other public utility or service, or using the public streets, ways, alleys, or places for the operation of plants, works, or equipment for the furnishing thereof or traversing any portion of the City, for the transmitting or conveying of any such service elsewhere, may be required by ordinance to have valid and existing franchises therefor. The City Council is empowered to grant such franchise to any person, firm or corporation, whether operating under an existing franchise or not. The City Council may prescribe the terms and conditions of any such grant. It may also provide, by procedural ordinance, the method of procedure and additional terms and conditions of such grants or the making thereof, subject to the provisions of this Charter.

Resolution of intention Notice and public hearing

Section 1401—Resolution of Intention. Notice and Public Hearing. Before granting any franchise, the City Council shall pass a resolution declaring its intention to grant the same, stating the name of the proposed grantee, the character of the franchise and the terms and conditions upon which it is proposed to be granted. Such resolution shall fix and set forth the day, hour and place when and where any persons having any interest therein or any objection to the granting thereof may appear before the City Council and be heard thereon. It shall direct the City Clerk to publish said resolution at least once, within fifteen days of the passage thereof, in the official newspaper. Said notice shall be published at least ten days prior to the date of hearing.

At the time set for the hearing the City Council shall proceed to hear and pass upon all protests and its decision thereon shall be final and conclusive. Thereafter, it may grant, or deny, the franchise on the terms and conditions specified in the resolution of intention to grant the same, subject to the right of referendum of the people.

If the City Council shall determine that changes should be made in the terms and conditions upon which the franchise is

proposed to be granted, a new resolution of intention shall be adopted and like proceedings had thereon.

Section 1402—**Term of Franchise.** Every franchise, other than an indeterminate franchise, shall state the term for which it is granted, which shall not exceed twenty-five years. Term of franchise

A franchise grant may be indeterminate, that is to say, it may provide that it shall endure in full force and effect until the same, with the consent of the Public Utilities Commission of the State of California, shall be voluntarily surrendered or abandoned by its possessor, or until the State of California, or some municipal or public corporation, thereunto duly authorized by law, shall purchase, or shall condemn and take, under the power of eminent domain, all property actually used and useful in the exercise of such franchise and situate within the territorial limits of the State, municipal or public corporation purchasing or condemning such property, or until the franchise shall be forfeited for noncompliance with its terms by the possessor thereof.

Section 1403—**Grant to be in Lieu of All Other Franchises.** Any franchise granted by the City hereunder with respect to any given utility service shall be in lieu of all other franchises, rights or privileges owned by the grantee, or by any successor of the grantee to any right under such franchise granted hereunder, for the rendering of such utility service within the limits of the City as they now or may hereafter exist, except any franchise derived under Section 19 of Article XI of the Constitution of California as said section existed prior to the amendment thereof adopted October 10, 1911. The acceptance of any franchise hereunder, shall operate as an abandonment of all such other franchises, rights and privileges within the limits of the City as such limits shall at any time exist. Other franchises

Any franchise granted hereunder shall not become effective until written acceptance thereof shall have been filed by the grantee thereof with the City Clerk. Such acceptance shall be filed within ten days after the adoption of the ordinance granting the franchise, or any extension thereof granted by the City Council, and when so filed, such acceptance shall constitute a continuing agreement of such grantee that if and when the City shall thereafter annex, or consolidate with, additional territory, any and all franchises, rights and privileges owned by the grantee therein, except a franchise derived under said constitutional provision, shall likewise be deemed to be abandoned within the limits of such territory. No grant of any franchise may be transferred or assigned by the grantee except by consent in writing of the City Council and unless the transferee or assignees thereof shall covenant and agree to perform and be bound by each and all of the terms and conditions imposed in the grant or by procedural ordinance and by this Charter.

Section 1404—**Eminent Domain.** No franchise grant shall in any way, or to any extent, impair or affect the right of the City to acquire the property of the grantee thereof either by purchase or through the exercise of the right of eminent domain, Eminent domain

and nothing therein contained shall be construed to contract away or to modify or to abridge either for a term or in perpetuity, the City's right of eminent domain with respect to any public utility.

Duties of  
grantees

Section 1405—Duties of Grantees. By its acceptance of any franchise hereunder, the grantee shall covenant and agree to perform and be bound by each and all of the terms and conditions imposed in the grant, or by procedural ordinance and shall further agree to:

(a) Comply with all lawful ordinances, rules and regulations theretofore or thereafter adopted by the City Council in the exercise of its police power governing the construction, maintenance and operation of its plants, works or equipment;

(b) Pay to the City on demand the cost of all repairs to public property made necessary by any of the operations of the grantee under such franchise;

(c) Indemnify and hold harmless the City and its officers from any and all liability for damages proximately resulting from any operations under such franchise;

(d) Remove and relocate without expense to the City any facilities installed, used and maintained under the franchise if and when made necessary by any lawful change of grade, alignment or width of any public street, way, alley or place, including the construction of any subway or viaduct, or if the public health, comfort, convenience, or safety so demands; and

(e) Pay to the City during the life of the franchise a percentage, to be specified in the grant, of the gross annual receipts of the grantee within the limits of the City, or such other compensation as the City Council may prescribe in the grant.

Acting  
without  
franchise

Section 1406—Exercising Rights Without Franchise. The exercise by any person, firm or corporation of any privilege for which a franchise is required, without possessing a valid and existing franchise therefor, shall be a misdemeanor and shall be punishable in the same manner as violations of this Charter are punishable and each day that such condition continues to exist shall constitute a separate violation.

#### Article XV—Miscellaneous

Definitions

Section 1500—Definitions. Unless the provisions or the context otherwise require, as used in this Charter:

(a) "Shall" is mandatory, and "may" is permissive.

(b) "City" is the City of San Leandro and "department," "board," "commission," "agency," "officer," or "employee," is a department, board, commission, agency, officer or employee, as the case may be, of the City of San Leandro.

(c) "County" is the County of Alameda.

(d) "State" is the State of California.

Violations

Section 1501—Violations. The violation of any provision of this Charter shall be deemed a misdemeanor and be punishable upon conviction by a fine or not exceeding Five Hundred

Dollars or by imprisonment for a term of not exceeding six months or by both such fine and imprisonment.

Section 1502—Validity. If any provision of this Charter, <sup>Validity</sup> or the application thereof to any person or circumstance is held invalid, the remainder of the Charter, and the application of such provision to other persons or circumstances, shall not be affected thereby.

#### CERTIFICATE

WHEREAS, the City of San Leandro, for years last past, <sup>Certificate</sup> has been and now is a city containing more than three thousand five hundred inhabitants, as ascertained by the last preceding census taken under the authority of the Congress of the United States or of the Legislature of the State of California; and

WHEREAS, on the 13th day of April, 1948, at a municipal election duly and regularly held on that day in the City under and in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, the electors of said City did duly choose and elect: Dave Gilmore, William G. Lee, Jr., Willard Frieberg, Herluf A. Knudsen, Mary C. McCluen, Walter B. Petersen, Homer E. Lewis, Theodore E. Morehouse, Arthur J. Berggren, Frank C. Bagnall, Mrs. Helen L. C. Lawrence, Claude E. Lipe, James C. White, Fred C. Rhoads and Gordon Waight, who are all electors of said City and eligible as candidates under said section, a Board of fifteen Freeholders to prepare a Charter for the government of said City; and

WHEREAS, the result of said election of Freeholders was duly declared by the legislative body of the City of San Leandro on the 20th day of April, 1948, and said electors thereafter duly qualified as such Freeholders in accordance with law:

BE IT KNOWN that in pursuance of the provisions of said Constitution and within the period of one year after the result of said election was so declared, the Board of Freeholders has prepared and does now propose the foregoing Charter as the Charter for the government of the City of San Leandro; and

BE IT FURTHER KNOWN that said Board of Freeholders hereby requests said legislative body of the City of San Leandro to cause publication of said proposed Charter as provided in said Constitution and does hereby fix and designate Tuesday the 20th day of September, 1949, as the date for the election at which the proposed Charter shall be submitted to the qualified electors of the City of San Leandro for their ratification and adoption.

IN WITNESS WHEREOF, we, the duly elected, qualified and undersigned Freeholders of the City of San Leandro, County of Alameda, State of California, have hereunto set our



hands at the City of San Leandro, County of Alameda, State of California, this 5th day of April, 1949.

WILLARD FRIEBERG  
Chairman

DAVE GILMORE  
Secretary

WILLARD FRIEBERG  
DAVE GILMORE  
MRS. HELEN L. C. LAWRENCE  
WILLIAM G. LEE, JR.  
GORDON WAIGHT  
WALTER B. PETERSEN  
THEODORE E. MOREHOUSE  
MARY C. McCLUEN  
HOMER E. LEWIS  
HERLUF A. KNUDSEN  
FRANK C. BAGNALL  
CLAUDE E. LIPE  
FRED C. RHODS  
JAMES C. WHITE

Freeholders of the City of San Leandro, County of Alameda, State of California.

ATTEST:

DAVE GILMORE  
Secretary of the  
Board of Freeholders

We do hereby further certify and declare that the foregoing constitutes a full, true and correct statement of the actions and proceedings had by the City of San Leandro and the city council of said city in the matter of the election of a board of freeholders as contemplated in section 8 of Article XI of the Constitution of the State of California, and in the preparation, proposal, filing, voting upon, and canvassing the returns and declaring the result of said election in the matter of the proposed charter for the government of the City of San Leandro;

That the said charter as herein before set forth is a full, true and correct copy of the charter as prepared and proposed by the said board of freeholders and filed in the office of the City Clerk of said City of San Leandro, California, on the 19th day of April, 1949, and that the certificate or proposal of said board of freeholders attached thereto is a full, true and correct copy of said certificate or proposal of the said board of freeholders of said City of San Leandro.

IN WITNESS WHEREOF, we have hereunto set our hands and hereunto affixed the seal of the said City of San Leandro, this 7th day of December, 1949.

(SEAL)

JOSEPH O. BELLINI  
Mayor of the City of San Leandro  
H. H. BURBANK  
City Clerk of the City of San Leandro

WHEREAS, The said charter as ratified as hereinbefore set forth, has been and now is duly presented and submitted to the Legislature of the State of California for approval, or rejection, as a whole without power of alteration or amendment in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

*Resolved by the Senate of the State of California, the Assembly thereof concurring, a majority of all members elected to each house voting therefor and concurring therein, That said charter of the City of San Leandro, as presented to, and adopted, and ratified, by the electors of said city and as hereinbefore fully set forth, be, and the same is hereby approved as a whole, without amendment or alteration, as and for the charter of the City of San Leandro.* Approval

## CHAPTER 6

*Senate Concurrent Resolution No. 4—Relative to approving an amendment to the charter of the County of Sacramento, State of California, voted for and ratified by the qualified electors of said county at a special election held therein on the eighth day of November, 1949.*

[Filed with Secretary of State December 16, 1949.]

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of an amendment to the charter of the County of Sacramento, State of California, as hereinafter set forth in the certificate of the chairman of the board of supervisors and county clerk of the said county as follows, to wit:

City of  
Sacramento  
Charter  
amendment

### CERTIFICATE OF FACTS

WHEREAS, The County of Sacramento at all times herein mentioned has been and now is a body politic of the State of California, and is now and has been since the first day of July, 1933, organized and acting under and by virtue of a charter adopted under and by virtue of section 7½ of Article XI of the Constitution of the State of California, which charter was duly ratified by the qualified electors of said county at an election held for that purpose on the twenty-seventh day of April, 1933, and subsequently approved by the legislature of the State of California, and filed with the Secretary of State of the State of California, on the eleventh day of May, 1933, and

WHEREAS, The Board of Supervisors of said County, pursuant to the provisions of section 7½ of Article XI of said Constitution, did, by resolution adopted the twenty-fourth day of August, 1949, duly proposed to qualified electors of said County of Sacramento an amendment to the charter of said county, designated as proposed County Charter Amendment A, and ordered that said proposed amendment be submitted to the said

qualified electors of said county at the special state election to be held on the 8th day of November, 1949; and

WHEREAS, Said amendment so proposed was published ten times, to-wit: Beginning September 12, 1949, and ending September 22, 1949 inclusive, in The Daily Recorder, a daily newspaper of general circulation in said county, printed, published and circulated in said County of Sacramento; and

WHEREAS, The Board of Supervisors of said County of Sacramento, did, in the manner provided by law, duly and regularly canvassed the return of said election, and, on the twenty-first day of November, 1949, did duly declare the result of said special state election, as determined from the canvass of the returns thereof; and

WHEREAS, At said special state election held on the eighth day of November, 1949, said proposed County Charter Amendment A was ratified by a majority of the electors of said county voting thereon; and

WHEREAS, Said charter amendment, so ratified by the electors of said County of Sacramento, is now submitted to the Legislature of the State of California, for approval or rejection as a whole, without power of alteration or amendment, pursuant to the provisions of said section 7½ of Article XI of the Constitution of the State of California, and is in words and figures as follows:

PROPOSED COUNTY CHARTER AMENDMENT A

That the Charter of said County of Sacramento be amended by amending Section 69 of Article XV of said Charter relating to the appointment and duties of constables, to read as follows:

Constables:  
Appointment  
and duties

Section 69. Constables. At least one constable for duty with each of the justice's courts shall be appointed by the Sheriff, subject to the provisions of Section 45-a of Article IX of this Charter. Each constable shall devote his entire time to the duties of his office, and must serve process within the judicial district of the justice's court to which he is assigned or elsewhere in the county when so directed, and shall perform all the duties required of him by general law. All constables shall be under the control, supervision and direction of the sheriff in the performance of their official duties.

STATE OF CALIFORNIA }  
County of Sacramento } ss.

Certificate

We, the undersigned, James R. Garlick, Chairman of the Board of Supervisors of the County of Sacramento, State of California, and C. C. LaRue, County Clerk and ex-officio Clerk of the Board of Supervisors of said County of Sacramento, do hereby certify:

That the foregoing proposed and ratified amendment to the charter of said County of Sacramento, submitted to the electors of said county at the special state election held on said 8th day of November, 1949, has been compared by us, and each of us, with the proposed amendment set forth in the resolution

adopted by said Board of Supervisors as hereinbefore set forth, and that the foregoing is a full, true, and exact copy thereof, and we further certify that the facts set forth in the preamble preceding said amendment to said charter is true.

IN WITNESS WHEREOF, we have hereunto set our hands and caused the same to be authenticated by the seal of said Board of Supervisors of the County of Sacramento this 21st day of November, 1949.

(SEAL) JAMES R. GARLICK  
Chairman of the Board of Supervisors  
of the County of Sacramento

C. L. LARUE  
County Clerk and Ex-officio Clerk of the  
Board of Supervisors of the County  
of Sacramento, State of California

WHEREAS, The said proposed amendment as ratified as hereinbefore set forth, has been and now is duly presented and submitted to the Legislature of the State of California for approval, or rejection, as a whole without power of alteration or amendment in accordance with Section 7½ of Article XI of the Constitution of the State of California; now, therefore, be it

*Resolved by the Senate of the State of California, the* Approval  
*Assembly thereof concurring,* A majority of all members elected to each house voting therefor and concurring therein, That said amendment to the charter of the County of Sacramento, as presented to, and adopted, and ratified, by the electors of said county and as hereinbefore fully set forth, be, and the same is hereby approved as a whole, without amendment or alteration, for and as an amendment to, and as a part of, the charter of said County of Sacramento

## CHAPTER 7

*Assembly Concurrent Resolution No. 5—Approving certain amendments to the charter of the City of Long Beach, State of California, ratified by the qualified electors of said city at a special municipal election held therein on the eighth day of November, 1949.*

[Filed with Secretary of State December 17, 1949.]

WHEREAS, The City of Long Beach, in the County of Los Angeles, State of California, contains a population of more than fifty thousand inhabitants, and has been, ever since the year 1921, and now is, organized and acting under and by virtue of a freeholders' charter, adopted under and by virtue of Section 8, Article XI, of the Constitution of the State of California, which charter was duly ratified by a majority of the qualified electors of said city at a special election held for that purpose on the 14th day of April, 1921, and approved by the

City of  
Long Beach  
Charter  
amendments

Legislature of the State of California and filed with the Secretary of State of the State of California on the 26th day of April, 1921, (Statutes of 1921, page 2054) as set out in the certificate of the mayor and city clerk of said City of Long Beach, hereinafter set forth; and

WHEREAS, Proceedings have been had for the proposal, adoption and ratification of certain amendments to the charter of said City of Long Beach, as set out in the certificate of the mayor and city clerk of said City of Long Beach, as follows, to wit:

CERTIFICATE OF ADOPTION BY THE QUALIFIED ELECTORS OF THE CITY OF LONG BEACH AT A SPECIAL MUNICIPAL ELECTION HELD THEREIN ON THE 8TH DAY OF NOVEMBER, 1949, OF CERTAIN AMENDMENTS TO THE CHARTER OF THE CITY OF LONG BEACH, STATE OF CALIFORNIA.

STATE OF CALIFORNIA, }  
 COUNTY OF LOS ANGELES, } ss.  
 CITY OF LONG BEACH }

Certificate

We, BURTON W. CHACE, Mayor of the City of Long Beach, and CLYDE G. ROSEBERRY, City Clerk of the City of Long Beach, do hereby certify as follows:

That said City of Long Beach, in the County of Los Angeles, State of California, is now, and was at all of the times herein mentioned, a city containing a population of more than fifty thousand inhabitants as ascertained by the last preceding census taken under the authority of the Congress of the United States; and

That said City of Long Beach is now, and was at all of the times herein mentioned, organized and existing under a freeholders' charter adopted under the provisions of Section 8, Article XI, of the Constitution of the State of California, which charter was duly ratified by a majority of the electors of said City at a special election held therein on the 14th day of April, 1921, and approved by the Legislature of the State of California and filed with the Secretary of State of the State of California on the 26th day of April, 1921, (Statutes of 1921, page 2054); and

That the legislative body of said City, namely, the City Council thereof, did, by motions duly adopted and pursuant to the provisions of Section 8, Article XI, of the Constitution of the State of California, duly vote to submit to the qualified electors of said City of Long Beach two (2) amendments to the charter of said City, and directed that said proposals of amendment should thereafter be respectively designated in appropriate alphabetical order on the ballots to be used at said election in accordance with the requirements of Section 3831 of the Elections Code of the State of California, and ordered that said proposed amendments be submitted to said qualified electors of said City at a special municipal election to be held in said City on the 8th day of November, 1949; and

That said proposed amendments were thereafter respectively designated as Proposition C and Proposition D and were on September 16, 1949, duly published in the Long Beach Independent and in each edition thereof during said date of publication; and

That said Long Beach Independent was, upon the date of said publication, and at all times since has been, and now is, a daily newspaper of general circulation within said City of Long Beach, and was, upon the date of the publication of said proposed amendments, and at all times since has been, and now is, published in said City and said newspaper was, upon the date of the publication of said proposed amendments, and at all times since has been and now is, the official newspaper of said City, and was the newspaper designated by said City Council for the publication of said proposed amendments; and

That said proposed amendments were duly and regularly printed in convenient pamphlet form and, at and during the time and in the manner provided by law, a notice was published in said Long Beach Independent that such copies of said proposed amendments could be had upon application therefor in the office of the City Clerk of said City, and said proposed amendments so printed in convenient pamphlet form were duly and regularly distributed in the manner provided by law; and

That said City Council did, by ordinance designated as Ordinance No. C-2851, order the holding of a special municipal election in said City of Long Beach on the 8th day of November, 1949, which date was not less than forty nor more than sixty days after the completion of the publication of said proposed amendments, as aforesaid, and which ordinance was published at least three times in the Long Beach Independent, the official newspaper of the City of Long Beach, ten days prior to the date of said election, to wit: On the 26th, 27th and 28th days of October, 1949, in the Long Beach Independent, the official newspaper of the City of Long Beach and a newspaper of general circulation and published in said City, and said ordinance was posted in three conspicuous places in the City of Long Beach; and

That in said Ordinance No. C-2851, said special municipal election was ordered consolidated with the special State election held on said day, and the Board of Supervisors of the County of Los Angeles was authorized to canvass the returns of said special municipal election; and

That said special municipal election was held in said City of Long Beach on the 8th day of November, 1949, which day was not less than forty days nor more than sixty days after the completion of the publication of said proposed amendments on the Long Beach Independent, as aforesaid; and

That thereafter the Board of Supervisors of the County of Los Angeles, acting by and through the Registrar of Voters of said County, did, in the manner provided by law, duly and regularly canvass the returns of said election, and on the 19th day of November, 1949, duly certified to the City Council the

result of said special municipal election as determined from the canvass of the returns thereof; and

That the City Council did, by resolution adopted on the 29th day of November, 1949, duly declare the results of said special municipal election and did duly find, determine and declare that a majority of the qualified voters of said City of Long Beach voting thereon had voted in favor of and had ratified both of said proposed amendments; and

That at said special municipal election held, as aforesaid, a majority of the qualified voters of said City of Long Beach voting thereon voted in favor and ratified both of said proposed charter amendments and duly ratified the same; and

That said proposed amendments to the charter of the City of Long Beach, so ratified by the voters of said City as aforesaid, are respectively in words and figures as follows, to wit:

#### CHARTER AMENDMENT PROPOSITION C

That the Charter of the City of Long Beach be amended by adding thereto a new section to be known and designated as Section 187.5 to read as follows:

#### EMPLOYEES' RETIREMENT

Retirement  
system

Sec. 187.5. The City shall participate in the State Employees' Retirement System and it shall be the duty of the City Council to enter into a contract with the Board of Administration thereof, within six (6) months after the effective date of this amendment, making persons in the employ of the City members of said System, except policemen and firemen who are now subject to the provisions of Section 187 of the Charter prior to the effective date of Section 187.1 thereof, all in accordance with the provisions of the "State Employees' Retirement Law," as said Law now exists or as the same may hereafter be amended; provided, however, that where said Law or amendments thereto makes available alternate benefits and other provisions at the election of the City Council, the City Council shall elect as to which benefits and provisions shall apply to employees who become members of the System, subject, nevertheless, to the conditions and limitations contained herein. The City Council may terminate any such contract only under authority granted by ordinance adopted by a majority vote of the qualified electors of the City of Long Beach.

Any such contract shall include the following conditions and limitations:

1. The normal earliest age for service retirement shall be sixty-five (65) for miscellaneous employees and fifty-five (55) for firemen and policemen.

2. Benefits on account of prior service, that is, service rendered to the City prior to the effective date of said contract, shall be allowed only as a percentage of the average salaries specified in said Law. For employees other than firemen and

policemen said percentage for each year of prior service shall be one hundred per cent (100%) of one-seventieth (1/70th) for retirement at, or over, age sixty-five (65). For firemen and policemen, upon retirement at age fifty-five (55), or higher qualification age, said percentage for each year of prior service shall be one hundred per cent (100%) of the fraction of final compensation, as defined in said Law, for each year of service rendered after said effective date as determined for firemen and policemen under said Law, for retirement at age fifty-five (55), or upon qualification for service retirement at a higher age.

If a member retires for service before attaining his normal age for service retirement, said contract shall provide that his prior service pension shall be reduced to that amount which the value of the pension as deferred to said normal age will purchase at the actual age of retirement.

3. For the purpose of calculating contributions and benefits any amount of an employee's compensation in excess of Four Hundred Sixteen Dollars and Sixty-six Cents (\$416.66) per month shall be excluded.

Anything in this Charter to the contrary notwithstanding, <sup>Tax levy</sup> the City Council may, without submitting the question to a vote of the qualified electors of the City, levy and collect taxes sufficient to pay all costs and expenses, or any portion thereof, required to be paid by the City to enable it to participate in the State Employees' Retirement System and the limitation of Section 256 hereof, with reference to the levying and collection of municipal taxes, shall not apply to any such tax authorized by this section.

All proceedings required by said Law preliminary to such participation and taken prior to the effective date of this amendment are hereby ratified, confirmed and validated.

#### CHARTER AMENDMENT PROPOSITION D

That the Charter of the City of Long Beach be amended by adding thereto a new subsection to Section 215a thereof, to be known and designated as Fifth, to read as follows:

Fifth: Notwithstanding any other provision of this Section 215a, the City Council may, by a vote of two-thirds ( $\frac{2}{3}$ ) of all of its members, expressed by resolution, authorize the use of any money remaining in the Gas Revenue Fund at the end of any quarter of each fiscal year, for general expenses of the City and may, in connection therewith, authorize the transfer of such money to an appropriate fund or funds; provided, however, that no such use or transfer shall be made unless at the time of such transfer there shall be not less than Seven Hundred Thousand Dollars (\$700,000) in the Gas Reserve Fund, not less than the amount required by this Charter to be placed in the Cash Basis Fund, and unless there shall remain in the Gas Revenue Fund, after such transfer, sufficient money to pay all outstanding demands and liabilities payable out of said Gas Revenue Fund. <sup>Gas revenue fund</sup>



At any time during the fiscal year and prior to any such transfer, as hereinabove authorized, the City Council may order the City Treasurer to transfer from the Gas Revenue Fund and place in the Gas Reserve Fund and Cash Basis Fund such amounts of money as are respectively required to be placed in said Funds by this subsection.

That the foregoing is a full, true and correct copy of said proposed amendments to the charter of the City of Long Beach, ratified by the electors of said City, as aforesaid, on file in the office of the City Clerk of said City of Long Beach

IN WITNESS WHEREOF, BURTON W. CHACE, Mayor, as aforesaid, and CLYDE G. ROSEBERRY, City Clerk, as aforesaid, have hereunto set their hands and caused the corporate seal of the City of Long Beach to be thereunto duly affixed on this 9th day of December, 1949.

(SEAL)

BURTON W. CHACE

Mayor of the City of Long Beach

CLYDE G. ROSEBERRY

City Clerk of the City of Long Beach

WHEREAS, Said proposed amendments to the Charter of the City of Long Beach, ratified by the electors of said City, as aforesaid, have been, and are now, submitted to the Legislature of the State of California, for approval or rejection without power of alteration or amendment, in accordance with Section 8, Article XI, of the Constitution of the State of California; now, therefore, be it

Approval

*Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, That said amendments to the charter of the City of Long Beach, as proposed to, adopted and ratified by the qualified electors of said City of Long Beach, as hereinabove fully set forth, be and the same are hereby approved as a whole without amendment or alteration, for and as amendments to and as a part of the charter of the City of Long Beach.*

## CHAPTER 8

*Assembly Concurrent Resolution No. 6—Relative to approving amendments to the charter of the City of Glendale, a municipal corporation in the County of Los Angeles, State of California, voted for and ratified by the qualified electors of said city at a special municipal election held therein on the eighth day of November, 1949*

[Filed with Secretary of State December 17, 1949.]

City of  
Glendale  
Charter  
amendment

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of amendments to the charter of the City of Glendale, a municipal corporation in the

County of Los Angeles, State of California, as hereinafter set out in the certificate of the mayor and city clerk of the said city as follows, to wit:

CERTIFICATE OF RATIFICATION OF CHARTER  
AMENDMENTS BY ELECTORS OF THE  
CITY OF GLENDALE

STATE OF CALIFORNIA  
COUNTY OF LOS ANGELES  
CITY OF GLENDALE } ss.

We, the undersigned, GEORGE R. WICKHAM, Mayor of the City of Glendale, State of California, and G. E. CHAPMAN, City Clerk and ex-officio Clerk of The Council of said City, do hereby certify and declare as follows:

That the legislative body of said City, namely, The Council of said City, did, pursuant to Section 8, Article XI of the Constitution of the State of California, by resolution adopted September 15, 1949, duly propose to the qualified electors of said City of Glendale three amendments to the Charter of said City, designated as Charter Amendments 1, 2, and 3, and ordered that said amendments be submitted to said qualified electors of said City at a special municipal election to be held in said City on the 8th day of November, 1949, which date was fixed in said resolution as the date for holding said special municipal election;

That each of said proposed amendments was, on September 20, 1949, published in the Glendale News-Press, the official newspaper of said City and a newspaper of general circulation therein, and in each edition thereof during said day of publication, and each of said proposed amendments was printed in convenient pamphlet form and in type of not less than 10-point, and copies thereof were mailed to each of the qualified electors of said City, and until the day fixed for the election upon said amendments it was advertised in said newspaper that copies thereof could be had upon application therefor at the office of the City Clerk of said City;

That the said Council of said City did by ordinance designated as Ordinance No. 2363, which was duly adopted on October 6, 1949, order the holding of a special municipal election in the City of Glendale on the 8th day of November, 1949, which said date was not less than 40 days and not more than 60 days after the completion of the publication of said amendments as aforesaid, which said ordinance was approved by the Mayor of said City on October 6, 1949, and was published once a week for two weeks prior to the time for the holding of said election, to wit: On October 25 and November 1, 1949, pursuant to the provisions of the Charter of the City of Glendale, in said newspaper;

That in said Ordinance No. 2363 said special municipal election was ordered consolidated with the special State election held on said day, and the Board of Supervisors of the

County of Los Angeles was authorized to canvass returns of said special municipal election and certify the results thereof to The Council;

That said consolidated election was held in said City of Glendale on the 8th day of November, 1949, which day was not less than 40 days and not more than 60 days after said amendments to said Charter had been published once in said Glendale News-Press;

That thereafter the Board of Supervisors of the County of Los Angeles, acting by and through the Registrar of Voters, did, in the manner provided by law, duly and regularly canvass the returns of said election, and on November 19, 1949, duly certified to The Council the results of said special municipal election as determined from the canvass of the returns thereof;

That The Council did, by resolution adopted on the 21st day of November, 1949, duly declare the results of said special municipal election;

That at said special municipal election Charter Amendments 1, 2, and 3 were ratified by a majority of the electors of said City voting thereon;

That the said three charter amendments so ratified by the electors of the City of Glendale are now submitted to the Legislature of the State of California for approval or rejection as a whole, without power of alteration or amendment, in accordance with Section 8, of Article XI of the Constitution of the State of California, and are in words and figures as follows, to wit:

#### CHARTER AMENDMENT No. 1

Paragraph (7) of Section 2 of Article XXIV (Civil Service) of the Charter of the City of Glendale is hereby amended to read as follows:

Probationary  
period

“(7) For a period of probation not exceeding twelve months before appointments or promotions are made complete.”

Paragraph (9) of Section 2 of Article XXIV (Civil Service) of the Charter of the City of Glendale is hereby amended to read as follows:

Transfer to  
similar  
position and  
reinstatement

“(9) For transfer from one position to a similar position, or to a lower position upon request of the employee affected, and for reinstatement within one year of persons who, without fault or delinquency on their part, are separated from the service or reduced.”

#### CHARTER AMENDMENT No. 2

Section 15 of Article XI (Fiscal Administration) of the Charter of the City of Glendale is hereby amended to read as follows:

General  
reserve fund

“Section 15. General Reserve Fund: The Council shall maintain the permanent revolving fund now established and known as the General Reserve Fund, for the purpose of keeping

the payment of the running expenses of the City on a cash basis. Said fund shall be maintained in an amount sufficient to meet all legal demands against the Treasury for the period of each fiscal year prior to the collection of ad valorem taxes. The Council shall have power to transfer from the General Reserve Fund to any other fund or funds, such sum or sums as may be required for the purpose of placing such fund or funds, as nearly as possible, on a cash basis. It shall be the duty of The Council to provide that all money so transferred from the General Reserve Fund be returned thereto on or before the end of the fiscal year in which said transfers are made; provided, that in any fiscal year in which the total balance in said General Reserve Fund exceeds fifty per centum (50%) of the total amount of the anticipated ad valorem tax receipts for that year, The Council may appropriate such excess for any City purpose without returning the same."

### CHARTER AMENDMENT NO. 3

Sections 17, 20, 21 and 22 of Article XI (Fiscal Administration) of the Charter of the City of Glendale are hereby amended to read as follows:

"Section 17. Depreciation Funds: The Council shall annually set aside from the income of the Public Service Department derived from the waterworks of the City and paid into the Waterworks Revenue Fund, a fund which, according to the estimates of the City Manager, shall be sufficient to meet the normal depreciation of such waterworks. It shall also annually set aside from the income of the Public Service Department derived from the electric works of the City and paid into the Electric Works Revenue Fund, a fund which, according to the estimates of the City Manager, shall be sufficient to meet the normal depreciation of such electric works. Each of such funds shall be used only for the repair, replacement, betterment and extensions of the plants and equipment of the waterworks or electric works, as the case may be, from which said revenue is derived. Nothing herein contained shall limit the right to vote and issue bonds of the City for said purposes or any thereof or to issue revenue bonds of said City for said purposes or any thereof.

Section 20. Revenue Funds: All receipts by the Public Service Department from the sale of water or otherwise derived from the waterworks of the City shall be credited to a fund hereby created to be known as the Waterworks Revenue Fund. All receipts by the Public Service Department from the sale of electric energy or otherwise derived from the electric works of the City shall be credited to a fund hereby created to be known as the Electric Works Revenue Fund. All disbursements (except those payable from the Waterworks Depreciation Fund) provided in the Public Service budget on account of said waterworks shall be charged to said Waterworks Revenue Fund and all disbursements (except those payable from the Electric

Works Depreciation Fund) provided in said budget on account of the electric works shall be charged to said Electric Works Revenue Fund. The credit balance, if any, or any part thereof, in each of said funds at the end of any fiscal year, the amount of which is in excess of the amount of all outstanding demands and liabilities unpaid from said fund on account of budget appropriations therefrom, shall be transferred to the Public Service Surplus Fund.

Public  
service sink-  
ing fund

Section 21. Public Service Sinking Fund: For the payment of principal and interest of all Glendale city or municipal improvement district bonds heretofore issued for the acquisition, improvement or extension of waterworks or electric works operated by the City, The Council shall transfer from time to time from the Waterworks Revenue Fund or the Electric Works Revenue Fund, or both thereof, to the Public Service Sinking Fund a sufficient amount each year to cover the total amount of payments falling due that year for principal and interest of said bonds. Nothing in this Section shall impair the power of The Council to levy such taxes as may be necessary to provide for the payment of interest and principal of such bonds, or the power of The Council to pay from the Waterworks Revenue Fund the principal and interest of any general obligation bonds of the City hereafter issued for waterworks purposes or to pay from the Electric Works Revenue Fund the principal and interest of any general obligation bonds of the City hereafter issued for electric works purposes.

Public  
service sur-  
plus fund

Section 22. Public Service Surplus Fund: A fund to be known as the Public Service Surplus Fund is hereby created, to which fund shall be credited from the receipts of the Public Service Department in the Waterworks Revenue Fund and the Electric Works Revenue Fund, any amounts in excess of the requirements of the several funds as hereinbefore set forth. Except as otherwise provided in this Section, disbursements from said Public Service Surplus Fund may be made by The Council by special appropriation for waterworks or electric works purposes only, which shall include payment of all or any portion of the tax of The Metropolitan Water District of Southern California, or its successors in interest, which The Council may elect to pay out of the funds of the City of Glendale.

At the end of each fiscal year an amount equal to twenty-five per centum (25%) of the operating revenues of the Public Service Department for such year, excluding receipts from water or power supplied to other cities or utilities at wholesale rates, shall be transferred from said Public Service Surplus Fund to the General Reserve Fund; provided, that The Council may annually, at or before the time for adopting the general budget for the ensuing fiscal year, reduce said amount or wholly waive such transfer if, in its opinion, such reduction or waiver is necessary to insure the sound financial position of said Public Service Department and it shall so declare by resolution."

The Charter of the City of Glendale is hereby amended by adding thereto a new article to be numbered Article XXVI and to read as follows:

“ARTICLE XXVI

REVENUE BONDS FOR WATERWORKS AND ELECTRIC WORKS

Section 1. Revenue Bond Purposes: Revenue bonds for the purpose of providing moneys for the acquisition or construction of additions to or extensions or improvements of the waterworks or electric works of the City or for the purpose of refunding any revenue bonds previously issued under this Article may be issued only as provided in this Article. Such revenue bonds shall not constitute an indebtedness of the City but shall be payable, principal and interest, only from the Revenue Fund derived from the public utility to be added to, extended or improved with the proceeds of said bonds or the proceeds of the bonds to be refunded with said bonds, and no restrictions or limitations upon or procedure for the issuance of bonds in other Articles of this Charter shall apply to such revenue bonds. Revenue  
bonds  
Purposes

Section 2 Revenue Bond Ordinance: Whenever The Council proposes to issue revenue bonds pursuant to this Article it shall adopt an ordinance authorizing the issuance of such bonds which shall recite the objects and purposes for which the bonds are to be issued, the principal amount thereof, the maximum rate of interest thereon, the date of issue of said bonds, the maturity dates thereof, and the revenue fund from which said bonds and the interest thereon are to be payable, and such provisions authorized by Section 3 of this Article as The Council deems desirable. Said bonds shall be issued in negotiable form and shall be negotiable. The recitals of regularity of proceedings in any revenue bond issued and sold shall be conclusive evidence of compliance with the provisions of this Article and of the validity of such bond. Ordinance

Section 3. Revenue Bonds—Terms and Conditions: In the ordinance authorizing the issuance of said bonds or in any ordinance, resolution or order in the proceedings for the issuance and sale thereof, or in any indenture authorized by The Council in respect of said bonds, The Council may, in any article, section, sentence or clause thereof make such provisions as it may deem necessary or desirable to facilitate the issuance and sale of the bonds or for the protection or security of the holders thereof, including without affecting the generality of the foregoing, provision for any or all of the following: Terms and  
conditions

1. The denominations of the bonds, the rate or rates of interest thereon, the medium of payment thereof, the place or places of payment thereof, within or without the State of California, the form of said bonds (including recitals of regularity) and of interest coupons pertaining thereto, the form, denomination and conditions of any temporary bonds or interim certificates, and the manual or facsimile signatures to be affixed to said bonds, coupons or certificates.

2. The terms and conditions under which said bonds may be issued, sold, paid, called before maturity, refunded, exchanged, registered, transferred and negotiated, and issues for more than one purpose or utility may be sold on an all or none basis.

3. Rates to be charged for services furnished by the public utility added to, extended or improved with the proceeds of said bonds, such rates to provide revenue at least sufficient to pay as the same become due, principal and interest of such bonds and all other obligations payable from the revenue fund of such works or from any fund derived therefrom and the necessary expenses of maintaining and operating such works, and the extent to which such services may be furnished or rendered to the City or to any public corporation free or at lower rates than those otherwise charged.

4. The Revenue Fund from which said bonds and the interest thereon shall be paid; the collection, deposit and safe-keeping of revenues, the permissible uses thereof (including restrictions upon or prohibitions against any uses authorized or required by other Articles of this Charter), the special fund or funds to be kept for the payment of principal and interest of the bonds, including reserve, sinking, interest and redemption, and trust funds; the permissible investments for moneys in said funds, the accounts and records to be kept, audits thereof and examination thereof by bondholders and others.

5. The carrying of insurance upon such public utility, or any part thereof, against any and all risks.

6. Prohibitions against or limitations upon the sale, lease or other disposition of such public utility.

7. Prohibitions against or limitations upon the issuance of any additional bonds payable from the revenues of the public utility so acquired, constructed, extended or improved, but no bonds shall be issued pursuant to this Article or under any other provision of this Charter having any priority in payment of principal or interest out of such revenues over revenue bonds theretofore or thereafter issued and payable out of said revenues.

8. Provisions whereby the consent or agreement of a stated percentage or number of the holders of the bonds may bind all holders to modifications of the provisions of any ordinance, resolution, order or indenture authorizing or providing for the issuance of such bonds, or to a refunding of said bonds and to calls or exchanges in connection with such refunding.

9. Any other provision valid under the Constitutions of the State of California and the United States of America which The Council deems necessary or desirable to facilitate the issuance and sale of said bonds or for the protection of holders thereof.

The ordinance authorizing the issuance of said bonds, any indenture authorized by The Council, and all other ordinances, resolutions, or orders in the proceeding for the issuance of said bonds shall constitute a contract with the holders of the bonds

and may be enforced by them under any applicable legal remedies.

Section 4. Revenue Bonds—Limitations: The following <sup>Limitations</sup> limitations shall apply to the issuance of bonds under this Article:

1. Said bonds shall be payable within not more than forty years from the date of issue thereof, and not less than one-fortieth part of the whole of any issue of bonds shall be payable annually beginning not later than ten years from the date of such issue.

2. Said bonds shall be designated 'Revenue Bonds' and each bond shall state on its face that it does not constitute an indebtedness of the City of Glendale but is payable, principal and interest, only from the Revenue Fund of the utility for which the proceeds of the bonds will be used.

3. Said bonds shall be sold only at public sale following such notice as The Council by resolution may prescribe; provided, however, that if no satisfactory bid is received pursuant to such notice The Council may reject all bids received, if any, and thereafter sell said bonds at public or private sale; provided, further, that the provisions of this subsection shall not apply to the exchange of any refunding bonds.

4. Said bonds shall be sold for not less than par and accrued interest to date of delivery. The proceeds from the sale (except premium and accrued interest which shall be used for the payment of principal and interest of the bonds) shall be applied exclusively to the objects and purposes set forth in the ordinance authorizing the issuance thereof; provided, however, that said proceeds may be used for the payment of interest on said bonds during the period of acquisition and construction and for the first six months thereafter; and provided, further, that when the objects and purposes for which the bonds were issued have been accomplished any remaining unexpended funds derived from the sale of said bonds shall be used for the payment of the principal and interest of said bonds.

Section 5. Revenue Bond Proceedings—Effect of: To <sup>Proceedings</sup> the extent that any provision of an ordinance authorizing the issuance of bonds pursuant to this Article or of any ordinance, resolution, order or indenture pertaining thereto, adopted, made or entered into pursuant to the authority of this Article, is inconsistent with any of the provisions of any other Article of this Charter, the provisions of such ordinance, resolution, order or indenture shall control so long as any of the bonds and interest coupons to which the same pertain are outstanding and unpaid."

That the foregoing proposed and ratified amendments to the Charter of said City of Glendale, submitted to the electors of said City at a special municipal election held in said City on the 8th day of November, 1949, have been compared by us and each of us, with the proposed amendments set forth in the resolution adopted by The Council, as hereinbefore stated, and that the foregoing is a full, true, correct, and exact copy thereof;



That this certificate shall be deemed to be a full and complete certification of the regularity of all proceedings had and done in connection with said amendments.

In witness whereof, we have hereunto set our hands and caused the seal of the City of Glendale to be affixed this 21st day of November, 1949.

(SEAL)

GEORGE R. WICKHAM

Mayor of the City of Glendale

GLENN E. CHAPMAN

City Clerk of the City of Glendale

STATE OF CALIFORNIA  
COUNTY OF LOS ANGELES  
CITY OF GLENDALE } SS.

Certificate

I, G. E. CHAPMAN, City Clerk of the City of Glendale, do hereby certify that on the 21st day of November, 1949, as appears from the official record of the proceedings of The Council of the City of Glendale for that date, the Mayor of the City of Glendale and the City Clerk of the City of Glendale were authorized and directed by the said Council to execute and attest the foregoing Certificate of Ratification of Charter Amendments by Electors of The City of Glendale, for and on behalf of said City and the City Attorney of said City was authorized to take such steps as might be necessary to secure the approval by the Legislature of the State of California of said charter amendments set forth in said certificate.

(SEAL)

G. E. CHAPMAN

City clerk of the City of Glendale

and

WHEREAS, The said proposed amendments as ratified as hereinbefore set forth, have been and now are duly presented and submitted to the Legislature of the State of California for approval, or rejection, as a whole without power of alteration or amendment in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Approval

*Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all members elected to each house voting therefor and concurring therein, That said amendments to the charter of the City of Glendale as presented to, and adopted, and ratified by the electors of said city and as hereinbefore fully set forth, be and the same are hereby approved as a whole, without amendment or alteration, for and as amendments to and as part of the charter of said City of Glendale.*

## CHAPTER 9

*Assembly Concurrent Resolution No. 9—Approving the charter of the City of Chula Vista, County of San Diego, State of California, ratified by the qualified electors of said city*

*at a special municipal election held therein on the eighth day of November, 1949.*

[Filed with Secretary of State December 17, 1949.]

WHEREAS, The City of Chula Vista, in the County of San Diego, State of California, contains a population in excess of 3,500 inhabitants, as ascertained by the last preceding census taken under the authority of the Congress of the United States or of the Legislature of the State of California; and

City of Chula Vista Charter approval

WHEREAS, Proceedings have been had in and taken by the said City of Chula Vista for the preparation, proposal, adoption, and ratification of a charter for the government of said City of Chula Vista, all as set forth in the following certificate of the mayor and city clerk of said City of Chula Vista to wit:

CERTIFICATE OF PROCEEDINGS HAD AND TAKEN BY THE CITY OF CHULA VISTA IN FRAMING A CHARTER FOR ITS OWN GOVERNMENT

STATE OF CALIFORNIA }  
COUNTY OF SAN DIEGO } ss.  
CITY OF CHULA VISTA }

We, the Undersigned, Lorenz C. Koester, Mayor of the City of Chula Vista, State of California, and Herbert V. Bryant, City Clerk of said City and ex-officio Clerk of the City Council of said City, do hereby certify and declare as follows:

Certificate

That the undersigned, said Herbert V. Bryant, was at all times herein mentioned, the Clerk of the legislative body of the City and City Clerk of said City of Chula Vista; that heretofore and prior to the 20th day of September, 1949, the said City Council of the City of Chula Vista did cause to be framed a proposed charter for its own government, and on the 20th day of September, 1949, at a regular meeting of said City Council of said City, said City Council by Resolution No. 1064, adopted by a majority vote of the members of said City Council, ordered said City Clerk to place the proposition of the adoption of said proposed charter on the ballot at the special election ordered in the City of Chula Vista for the 8th day of November, 1949, for the purpose of submitting said proposition to the electors of said City of Chula Vista, and which resolution ordered that said charter be filed with the City Clerk of the City of Chula Vista; that said proposed charter of the City of Chula Vista, consisting of Pages 1 to 45, was filed in the office of the City Clerk in the City Hall at Chula Vista, on the 20th day of September, 1949, and said resolution further ordered that the adoption of the charter should be submitted to the electors at said special election held on the 8th day of November, 1949, and directed that said City Clerk publish said proposed charter in "Chula Vista Star", a newspaper of general circulation, printed and published in the City of Chula Vista;

That said proposed charter was published pursuant to said order in said newspaper and in each edition thereof during the publication on the 23rd day of September, 1949, said newspaper being of general circulation in said City of Chula Vista; that the date of such publication was within 15 days after the said charter was filed in the office of said Clerk of said City Council; that the date set for the submission to the electors of said proposed charter, to-wit, November 8, 1949, was not less than forty days nor more than sixty days after the completion of the advertising in said official paper, as aforesaid;

That until the day fixed for the election upon such charter there was advertised in "Chula Vista Star", a newspaper of general circulation printed and published in the City of Chula Vista, a notice that copies of said charter were available at the Office of the City Clerk in the City Hall of the City of Chula Vista and could be secured upon application therefor at said office; that such copies were so available;

That the population of said City of Chula Vista is more than three thousand five hundred (3,500) and less than fifty thousand (50,000) inhabitants as ascertained by the last preceding census taken under the authority of the Congress of the United States;

That said election was duly and regularly held on the 8th day of November, 1949, and that at said election a majority of the qualified voters voting thereon voted in favor of said proposed charter and for the ratification and adoption thereof;

That the said City Council of the City of Chula Vista at a meeting duly held on November 15, 1949, at the time and in the form and manner required by law, and in accordance with the law in such cases made and provided, duly canvassed the returns of said election, and duly found, determined and declared that a majority of said electors voting thereon had voted in favor of said proposed charter and for the ratification and adoption thereof, and that the same was adopted and ratified by more than the majority of the qualified voters of the City of Chula Vista voting thereon, as follows, to wit:

Votes in favor of the ratification of said proposed charter -----	2068
Votes against the ratification of said proposed charter -----	1101

That said election was held in accordance with the election laws of the State of California relating to and governing elections in cities of the sixth class within said State, so far as applicable and in other respects in strict accordance with the general laws of the State of California;

That said charter so prepared, proposed, submitted, ratified and adopted as herein set forth is in the words and figures following, to wit:

CHARTER OF THE CITY OF CHULA VISTA

WE, THE PEOPLE OF THE CITY OF CHULA VISTA, STATE OF CALIFORNIA, DO ORDAIN AND ESTABLISH THIS CHARTER AS THE ORGANIC LAW OF SAID CITY UNDER THE CONSTITUTION OF SAID STATE.

Article I

Incorporation and Succession

Section 100. Name and boundaries. The City of Chula Vista shall continue to be a municipal corporation under its present name of "City of Chula Vista." The boundaries of the City shall be the boundaries as established at the time this Charter takes effect, or as such boundaries may be changed thereafter in the manner authorized by law.

Name and boundaries

Section 101. Succession, Rights and Liabilities. The City of Chula Vista shall continue to own, possess and control all rights and property of every kind and nature owned, possessed or controlled by it at the time this Charter takes effect and shall be subject to all its debts, obligations and liabilities

Succession Rights and liabilities

Section 102. Ordinances. All lawful ordinances, resolutions, rules and regulations, or portions thereof, in force at the time this Charter takes effect, and not in conflict or inconsistent therewith, are hereby continued in force until the same shall have been duly repealed, amended, changed or superseded by proper authority.

Ordinances

Section 103. Continuance of Present Officers and Employees. The present officers and employees shall continue without interruption to perform the duties of their respective offices and employments upon the same conditions and for the compensation provided by the existing ordinances, resolutions, rules or laws, until the election, or appointment, and qualification of their successors under this Charter and subject to such removal and control as is provided in this Charter and to the other provisions of this Charter.

Officers and employees Continuance in office

Section 104. Continuance of Contracts and Public Improvements. All contracts entered into by the City, or for its benefit, prior to the effective date of this Charter, shall continue in full force and effect Public improvements for which proceedings have been instituted under laws existing at the time this Charter takes effect, in the discretion of the City Council, may be carried to completion as nearly as practicable in accordance with the provisions of such existing laws or may be continued or perfected under this Charter.

Contracts and public improvements

Section 105. Pending Actions and Proceedings. No action or proceeding, civil or criminal, pending at the time when this Charter takes effect, brought by or against the City or any officer, office, department or agency thereof, shall be affected or abated by the adoption of this Charter or by anything herein contained, but all such actions or proceedings may be continued notwithstanding that functions, powers and duties of any officer,

Pending actions and proceedings

office, department or agency, a party thereto, may be assigned or transferred by or under this Charter to another officer, office, department or agency, but in that event the same may be prosecuted or defended by the head of the office, department or agency to which such functions, powers and duties have been assigned or transferred by or under this Charter.

Effective  
date

Section 106. Effective Date of Charter. This Charter shall take effect upon its approval by the Legislature.

## Article II

### Powers of City

Powers of  
city

Section 200. Powers. The City shall have the power to make and enforce all laws and regulations in respect to municipal affairs, subject only to such restrictions and limitations as may be provided in this Charter and in the Constitution of the State of California. It shall also have the power to exercise, or act pursuant to, any and all rights, powers, privileges or procedures, heretofore or hereafter established, granted or prescribed by any law of the State, by this Charter, or by other lawful authority, or which a municipal corporation might or could exercise, or act pursuant to, under the Constitution of the State of California. The enumeration in this Charter of any particular power shall not be held to be exclusive of, or any limitation upon, the generality of the foregoing provisions.

## Article III

### City Council

City council  
Number and  
term

Section 300. Number and Term. There shall be a City Council of five members elected from the City at large at the times and in the manner provided in this Charter and who shall serve for a term of four years and until their respective successors qualify.

The members of the City Council in office at the time this Charter takes effect shall continue in office until the expiration of their respective terms and until their successors qualify.

The term of each member of the City Council shall commence on the first Tuesday following his election and shall continue until his successor qualifies. Ties among candidates for any office shall be settled by the casting of lots.

Eligibility

Section 301. Eligibility. No person shall be eligible to hold office as a member of the City Council unless he is, and shall have been for at least two years preceding his election or appointment, a qualified elector of the City, or of territory annexed thereto.

Compensa-  
tion

Section 302. Compensation. The members of the City Council shall receive no compensation for their services as such, but shall receive reimbursement on order of the City Council for council authorized traveling and other expenses when on

official duty out of the city. In addition, each member shall receive the sum of twenty-five dollars per month, which amount shall be deemed to be reimbursement of other out-of-pocket expenditures and costs imposed upon him in serving as a City Councilman.

The members of the City Council shall receive reimbursement on order of the City Council for Council-authorized traveling and other expenses when on official duty.

Section 303. Vacancies. A vacancy in the City Council from whatever cause arising, shall be filled by appointment by the City Council, such appointee to hold office until the first Tuesday following the next general municipal election and until his successor qualifies. At the next general municipal election following any vacancy, a Councilman shall be elected to serve for the remainder of any unexpired term. Vacancies

If a member of the City Council absents himself from all regular meetings of the City Council for a period of sixty days consecutively from and after the last regular City Council meeting attended by such member, unless by permission of the City Council expressed in its official minutes, or is convicted of a crime involving moral turpitude, his office shall become vacant.

The City Council shall declare the existence of any vacancy. In the event it shall fail to fill a vacancy by appointment within thirty days after such office shall have been so declared vacant, it shall forthwith cause an election to be held to fill such vacancy.

Section 304. Presiding Officer. Mayor.

(a) On the first Tuesday following any general or special municipal election at which any Councilman or Councilmen are elected, the City Council shall meet and shall elect one of its members as its presiding officer, who shall have the title of Mayor. The Mayor shall have a voice and vote in all its proceedings. He shall be the official head of the City for all ceremonial purposes. He shall perform such other duties consistent with his office as may be prescribed by this Charter or as may be imposed by the City Council. In addition to the payment for expenses as a Councilman under Section 302, the City Council may provide by resolution for the payment to the Mayor of an allowance of not to exceed One Hundred Dollars per month, to reimburse him for the additional demands and expenses made upon and incurred by him in serving as Mayor. The Mayor shall serve in such capacity at the pleasure of the City Council. Presiding officer  
Mayor

(b) Mayor Pro Tempore. The City Council shall also designate one of its members as Mayor Pro Tempore, who shall serve in such capacity at the pleasure of the City Council. The Mayor Pro Tempore shall perform the duties of the Mayor during his absence or disability. Mayor pro tempore

Section 305. Powers Vested in the City Council. All powers of the City, except as otherwise provided in this Charter shall be vested in the City Council. City council Powers

Section 306. Regular Meetings. The City Council shall hold regular meetings at least once each month at such times Regular meetings

as it shall fix by ordinance or resolution and may adjourn or re-adjourn any regular meeting to a date and hour certain which shall be specified in the order of adjournment and when so adjourned each adjourned meeting shall be a regular meeting for all purposes. If the hour to which a meeting is adjourned is not stated in the order of adjournment such meeting shall be held at the hour for holding regular meetings. If at any time any regular meeting falls on a holiday such regular meeting shall be held on the next business day.

Special  
meetings

Section 307. Special Meetings. Special meetings may be called at any time by the Mayor, or by three members of the City Council, by written notice delivered personally to each member at least three hours before the time specified for the proposed meeting. A special meeting may also be validly held without the giving of such written notice if required to be held by this Charter or if all members shall give their consent, in writing, to the holding of such meeting and such consent is on file in the office of the City Clerk at the time of holding such meeting. A telegraphic communication from a member consenting to the holding of a meeting shall be considered a consent in writing. At any special meeting only such matters may be acted upon as are referred to in such written notice or consent.

Place of  
meetings

Section 308. Place of Meetings. All meetings shall be held in the Council Chambers of the City Hall and shall be open to the public. If, by reason of fire, flood or other emergency it shall be unsafe to meet in the place designated, the meetings may be held for the duration of the emergency at such place as is designated by the Mayor, or, if he should fail to act, by three members of the City Council.

Quorum

Section 309. Quorum. Proceedings. Three members of the City Council shall constitute a quorum to do business but a less number may adjourn from time to time. In the absence of all the members of the City Council from any regular meeting, the City Clerk may declare the same adjourned to a stated day and hour. Notice of a meeting adjourned by less than a quorum or by the Clerk shall be given by the Clerk or may be waived by consent in the same manner as specified in this Charter for the giving or waiving of notice of special meetings of the City Council but need not specify the matters to be acted upon. The City Council shall judge the qualifications of its members as set forth by the Charter. It shall judge all election returns. It may establish rules for the conduct of its proceedings and evict or prosecute any member or other person for disorderly conduct at any of its meetings. Each member of the City Council shall have the power to administer oaths and affirmations in any investigation or proceeding pending before the City Council. The City Council shall have the power and authority to compel the attendance of witnesses, to examine them under oath and to compel the production of evidence before it. Subpoenas may be issued in the name of the City and be attested by the City Clerk. Disobedience of such subpoenas, or the refusal to testify (upon other than constitutional

Powers

grounds), shall constitute a misdemeanor, and shall be punishable in the same manner as violations of this Charter are punishable.

The City Council shall cause the City Clerk to keep a correct record of all its proceedings and at the demand of any member, or upon the adoption of any ordinance, resolution, or order for the payment of money, the City Clerk shall call the roll and shall cause the ayes and noes taken on such question to be entered in the minutes of the meeting. Records

Section 310. Citizen Participation. No citizen shall be denied the right personally, or through counsel, to present grievances at any regular meeting of the Council, or offer suggestions for the betterment of municipal affairs. Citizen participation

Section 311. Adoption of Ordinances and Resolutions. With the sole exception of ordinances which take effect upon adoption referred to in this Article, no ordinance shall be adopted by the City Council on the day of its introduction, nor within five days thereafter nor at any time other than at a regular or adjourned regular meeting. At the time of adoption of an ordinance or resolution it shall be read in full, unless after the reading of the title thereof, the further reading thereof is waived by unanimous consent of the Councilmen present. In the event that any ordinance is altered after its introduction, the same shall not be finally adopted except at a regular or adjourned regular meeting, held not less than five days after the date upon which such ordinance was so altered. The correction of typographical or clerical errors shall not constitute the making of an alteration within the meaning of the foregoing sentence. Adoption of ordinances and resolutions

No order for the payment of money shall be adopted or made at any other than a regular or adjourned regular meeting.

Unless a higher vote is required by other provisions of this Charter, the affirmative votes of at least three members of the City Council shall be required for the enactment of any ordinance or resolution, or for the making or approving of any order for the payment of money. All ordinances and resolutions shall be signed by the Mayor and attested by the City Clerk

Emergency Ordinances. Any ordinance declared by the City Council to be necessary as an emergency measure for preserving the public peace, health, or safety, and containing a statement of the reasons for its urgency, may be introduced and adopted at one and the same meeting if passed by at least four affirmative votes. Emergency ordinances

Section 312. Ordinance. Enactment. In addition to such acts of the City Council as are required by other provisions of this Charter to be by ordinance, every act of the City Council establishing a fine or other penalty, or granting a franchise, shall be by ordinance. Ordinances Enactment

The enacting clause of all ordinances adopted by the City Council shall be substantially as follows: "The City Council of the City of Chula Vista does ordain as follows:".



**Publication** Section 313. Ordinances. Publication. The City Clerk shall cause each ordinance to be published at least once in the official newspaper within fifteen days after its adoption.

**Codification** Section 314. Codification of Ordinances. Any or all ordinances of the City which have been enacted and published in the manner required at the time of their adoption, and which have not been repealed, may be compiled, consolidated, revised, indexed and arranged as a comprehensive ordinance code, and such code may be adopted by reference, with the same effect as an ordinance, by the passage of an ordinance for such purpose. Such code need not be published in the manner required for other ordinances, but not less than three copies thereof shall be filed for use and examination by the public in the office of the City Clerk prior to the adoption thereof. Ordinances codified shall be repealed as of the effective date of the code. Subsequent amendments to sections of the code shall be enacted in the same manner as herein required for the amendment of ordinances generally.

Detailed regulations pertaining to the construction of buildings, plumbing and wiring when arranged as a comprehensive code, may likewise be adopted by reference in the manner provided in this section.

**When effective**

Section 315. Ordinance. When Effective. No ordinance adopted by the City Council shall become effective until thirty days from and after the date of its adoption, except the following, which shall take effect upon adoption:

(a) An ordinance calling or otherwise relating to an election;

(b) An improvement proceeding ordinance adopted under some law or procedural ordinance;

(c) An ordinance declaring the amount of money necessary to be raised by taxation, or fixing the rate of taxation, or levying the annual tax upon property; or

(d) An emergency ordinance adopted in the manner provided for in this Article.

**Violations and penalties**

Section 316. Ordinances, Violation, Penalty. A violation of any ordinance of the City shall constitute a misdemeanor and may be prosecuted in the name of the People of the State of California or may be redressed by civil action. The maximum fine or penalty for any violation of a city ordinance shall be the sum of Five Hundred Dollars, or a term of imprisonment for a period not exceeding six months, or both such fine and imprisonment. The City Council may provide by ordinance that persons imprisoned in the City Jail for violation of law or ordinance may be compelled to labor on public works.

**Amendment**

Section 317. Ordinances. Amendment. The amendment of any section or sections of an ordinance may be accomplished solely by the re-enactment of such section or sections at length as amended.

**Publishing of legal notices**

Section 318. Publishing of Legal Notices. In the event that there is more than one newspaper of general circulation published and circulated in the City, the City Council, annually,

prior to the beginning of each fiscal year, shall publish a notice inviting bids and contract for the publication of all legal notices or other matter required to be published in a newspaper of general circulation published and circulated in said City, during the ensuing fiscal year. In the event there is only one newspaper of general circulation published in the City, then the City Council shall have the power to contract with such newspaper for the printing and publishing of such legal notices without being required to advertise for bids therefor. The newspaper with which any such contract is made shall be designated the official newspaper for the publication of such notices or other matter for the period of such contract.

In no case shall the contract prices for such publication exceed the customary rates charged by such newspaper for the publication of legal notices of a private character.

In the event there is no newspaper of general circulation published and circulated in the City, then all legal notices or other matter may be published by posting copies thereof in at least three public places in the City.

No defect or irregularity in proceedings taken under this section, or failure to designate an official newspaper shall invalidate any publication where the same is otherwise in conformity with this Charter or law or ordinance.

## Article IV

### Administrative Officer

Section 400. Administrative Officer. There shall be an Administrative Officer who shall be the chief administrative officer of the City. He shall be appointed by and serve at the pleasure of the City Council. He shall be chosen on the basis of his administrative qualifications and shall be paid a salary, fixed by the Council, commensurate with his responsibilities.

The Administrative Officer may be removed from office by motion of the City Council adopted by at least three affirmative votes.

No person shall be eligible to receive appointment as Administrative Officer while serving as a member of the City Council, nor within one year after he has ceased to be a City Councilman.

Section 401. Administrative Officer. Powers and Duties. The Administrative Officer shall be the head of the administrative branch of the City government. He shall be responsible to the City Council for the proper administration of all affairs of the City. Without limiting the foregoing general grant of powers, responsibilities and duties, the Administrative Officer shall have power and be required to :

(a) Appoint and remove, subject to the Civil Service provisions of this Charter and to the approval of the City Council, all department heads and officers of the City except elective officers and those department heads and officers, the power of appointment of whom is vested in the City Council, and pass

upon and approve all proposed appointments and removals by department heads and other appointive officers;

(b) Prepare the budget annually, submit such budget to the City Council and be responsible for its administration after adoption;

(c) Prepare and submit to the City Council as of the end of the fiscal year a complete report on the finances and administrative activities of the City for the preceding year;

(d) Keep the City Council advised of the financial condition and future needs of the City and make such recommendations as may seem to him desirable;

(e) Establish a centralized purchasing system for all City offices, departments and agencies;

(f) Prepare rules and regulations governing the contracting for, purchasing, storing, distribution, or disposal of all supplies, materials and equipment required by any office, department or agency of the City government and recommend them to the City Council for adoption by it by ordinance;

(g) Enforce the laws of the state pertaining to the City, the provisions of this Charter and the ordinances of the City; and

(h) Perform such other duties consistent with this Charter as may be required of him by the City Council.

Participation  
in council

Section 402. Administrative Officer. Council Table. The Administrative Officer shall be accorded a seat at the City Council table and shall be entitled to participate in the deliberations of the City Council, but shall not have a vote.

Administra-  
tive officer  
pro tempore

Section 403. Administrative Officer Pro Tempore. The Administrative Officer shall appoint, subject to the approval of the City Council, one of the other officers or department heads of the City to serve as Administrative Officer Pro Tempore during any temporary absence or disability of the Administrative Officer.

## Article V

### Officers and Employees

Officers and  
employees

Section 500. Officers to be appointed by the City Council. In addition to the Administrative Officer, there shall be a City Attorney and a City Judge who shall be appointed by and serve at the pleasure of the City Council.

There shall be a City Clerk who shall be appointed by the City Council, subject to the provisions of this Charter pertaining to Civil Service and to those provisions relating to the incumbent City Clerk.

Subject to the Civil Service provisions of this Charter all other officers and department heads of the City shall be appointed by the Administrative Officer subject to the approval of the City Council.

Administra-  
tive depart-  
ments

Section 501. Administrative Departments. The City Council may provide by ordinance not inconsistent with this Charter for the organization, conduct and operation of the several offices and departments of the City as established by

this Charter, for the creation of additional departments, divisions, offices and agencies and for their alteration or abolition. It may further provide by ordinance or resolution for the assignment and reassignment of divisions, offices and agencies to departments, and for the number, titles, qualifications, powers, duties and compensation of all officers and employees.

Each department so created shall be headed by an officer as department head who shall be appointed by the Administrative Officer, subject to the Civil Service provisions of this Charter and to the approval of the City Council.

Section 502. City Clerk. Powers and Duties. The City Clerk shall have power and be required to:

City clerk  
Powers and  
duties

(a) Attend all meetings of the City Council and be responsible for the recording and maintaining of a full and true record of all of the proceedings of the City Council in books that shall bear appropriate titles and be devoted to such purpose;

(b) Maintain separate books, in which shall be recorded respectively all ordinances and resolutions, with the certificate of the Clerk annexed to each thereof stating the same to be the original or a correct copy, and as to an ordinance requiring publication, stating that the same has been published or posted in accordance with this Charter; keep all books properly indexed and open to public inspection when not in actual use;

(c) Maintain separate books, in which a record shall be made of all written contracts and official bonds;

(d) Be the custodian of the seal of the City;

(e) Administer oaths or affirmations, take affidavits and depositions pertaining to the affairs and business of the City and certify copies of official records;

(f) Be ex-officio Assessor, unless the City Council has availed itself, or does in the future avail itself, of the provisions of the general laws of the State relative to the assessment of property and the collection of City taxes by county officers, or unless the City Council by ordinance provides otherwise; and

(g) Have charge of all City elections.

Section 503. City Attorney. Powers and Duties. To become eligible for City Attorney the person appointed shall be an attorney-at-law duly licensed as such under the laws of the State of California. The City Attorney shall have power and be required to:

City  
attorney  
Powers and  
duties

(a) Represent and advise the City Council and all City officers in all matters of law pertaining to their offices.

(b) Represent and appear for the City and any City officer or employee, or former City officer or employee, in any or all actions and proceedings in which the City or any such officer or employee, in or by reasons of his official capacity, is concerned or is a party.

(c) Attend all regular meetings of the City Council and give his advice or opinion in writing whenever requested to do so by the City Council or by any of the boards or officers of the City;

(d) Approve the form of all contracts made by and all bonds given to the City, endorsing his approval thereon in writing;

(e) Prepare any and all proposed ordinances or resolutions for the City, and amendments thereto;

(f) Devote such time to the duties of his office as may be specified in the ordinance or resolution fixing the compensation for such office; and

(g) Surrender to his successor all books, papers, files and documents pertaining to the City's affairs.

The City Council shall have control of all legal business and proceedings and may employ other attorneys to take charge of any litigation or matter or to assist the City Attorney therein.

City judge:  
Powers and  
duties

Section 504. City Judge. Powers and Duties. To be eligible for appointment as City Judge, the person shall be duly licensed to practice law under the laws of the State of California, and shall have been engaged in the practice of law for at least one year prior to his appointment.

The City judge shall preside over the City Court and shall have the power and perform the duties of a magistrate. In all cases where the City Judge is disqualified or unable to act, any other City Judge or Justice of the Peace may be called in by the City Council or Administrative Officer and act in the place of the City Judge. The City Judge shall devote such time to the duties of his office as may be specified in the ordinance or resolution fixing the compensation for such office.

Finance  
officer  
Powers and  
duties

Section 505. Finance Officer. Powers and Duties. There shall be a Finance Department headed by a Finance Officer who shall have power and be required to:

(a) Have charge of the administration of the financial affairs of the City under the direction of the Administrative Officer;

(b) Compile the budget expense and income estimates for the Administrative Officer;

(c) Supervise and be responsible for the disbursement of all moneys and have control over all expenditures to insure that budget appropriations are not exceeded; audit all purchase orders before issuance; audit and approve before payment, all bills, invoices, payrolls, or demands against the City government and, with the advice of the City Attorney, when necessary, determine the regularity, legality and correctness of such claims, demands or charges;

(d) Maintain a general accounting system for the City government and each of its offices, departments and agencies;

(e) Keep separate accounts for the items of appropriation contained in the City budget, each of which accounts shall show the amount of the appropriation, the amounts paid therefrom, the unpaid obligations against it and the unencumbered balance; require reports of the receipts and disbursements from each receiving and expending agency of the City government to be made daily or at such intervals as he may deem expedient;

(f) Submit to the City Council through the Administrative Officer a monthly statement of all receipts and disbursements in sufficient detail to show the exact financial condition of the City; as of the end of each fiscal year and within one hundred and twenty days thereafter, submit to the City Council a summary statement of receipts and disbursements by departments and funds, including opening and closing fund balances in the treasury; and cause said statement to be published once in the official newspaper;

(g) Collect all taxes, assessments, license fees and other revenues of the City, or for whose collection the City is responsible, and receive all taxes or other money receivable by the City from the County, State or Federal Government, or from any court, or from any office, department or agency of the City;

(h) Have custody of all public funds belonging to or under the control of the City or any office, department or agency of the city government and deposit all funds coming into his hands in such depository as may be designated by resolution of the City Council, or, if no such resolution be adopted, by the Administrative Officer, and in compliance with all of the provisions of the State Constitution and laws of the State, governing the handling, depositing and securing of public funds; and

(i) Supervise the keeping of current inventories of all property of the City by all city departments, offices and agencies.

Section 506. Duties of Officers and Employees. The City Council by ordinance may assign additional functions or duties to offices, departments or agencies established by this Charter, but may not discontinue or assign to any other office, department or agency any function or duty assigned by this Charter to a particular office, department or agency.

Duties of officers and employees

Where the positions are not incompatible, the City Council may combine in one person the powers and duties of two or more offices created or provided for in the Charter. No office provided in this Charter to be filled by appointment by the Administrative Officer may be combined with an office provided in this Charter to be filled by appointment by the City Council.

Combination

Notwithstanding the foregoing, the City Council may transfer or consolidate functions of the City government to or with appropriate functions of the State or County government, or may make use of such functions of the State or County government, and in case of any such transfer or consolidation the provisions of this Charter providing for the function of the City government so transferred or consolidated, shall be deemed suspended during the continuance of such transfer or consolidation, to the extent that such suspension is made necessary or convenient and is set forth in the ordinance or resolution establishing such transfer or consolidation. Any such transfer or consolidation may be repealed in like manner.

Transfer or consolidation

Section 507. Administering Oaths. Each department head and his deputies shall have the power to administer oaths and affirmations in connection with any official business pertaining to his department.

Oaths and affirmations

Department  
heads  
appointive  
powers

Section 508. Department Heads. Appointment Powers. Each department head and appointive officer shall have the power to appoint and remove such deputies, assistants, subordinates and employees as are provided for by the City Council for his department or office, subject to the civil service provisions of this Charter and the rules and regulations promulgated thereunder, and subject to approval of the Administrative Officer being first had and received.

Illegal  
contract

Section 509. Illegal Contracts. Financial Interest. No member of the City Council, department head or other officer of the City (except a member of any board or commission), shall be financially interested, directly or indirectly, in any contract, sale or transaction to which the City is a party.

No member of any board or commission shall be financially interested, directly or indirectly, in any contract, sale or transaction to which the City is a party and which comes before the board or commission of which such person is a member, for approval or other official action or which pertains to the department, office or agency of the City with which such board or commission is connected.

Any contract, sale or transaction in which there shall be such an interest, as specified in this section, shall become void at the election of the City, when so declared by resolution of the City Council.

No member of the City Council, department head or other officer of the City, or member of any board or commission shall be deemed to be financially interested, within the meaning of the foregoing provisions, in any contract made with a corporation where his only interest in the corporation is that of a stockholder and the stock owned by him shall amount to less than three per cent of all the stock of such corporation issued and outstanding.

Penalty

If any member of the City Council, department head or other officer of the City, or member of a board or commission shall be financially interested as aforesaid, upon conviction thereof, he shall forfeit his office in addition to any other penalty which may be imposed for such violation of this Charter.

Acceptance  
of other  
office

Section 510. Acceptance of Other Office. Any elective officer of the City who shall accept or retain any salaried public office, except as provided in this Charter, shall be deemed thereby to have vacated his office under the City government.

Nepotism

Section 511. Nepotism. The City Council shall not appoint to a salaried position under the City government any person who is a relative by blood or marriage within the third degree of any one or more of the members of such City Council and neither shall any department head or other officer having appointive power appoint any relative of his within such degree to any such position.

Official  
bonds

Section 512. Official Bonds. The City Council shall fix by ordinance or resolution the amounts and terms of the official bonds of all officials or employees who are required by ordinance to give such bonds. All bonds shall be executed by responsible

corporate surety, shall be approved as to form by the City Attorney, and shall be filed with the City Clerk. Premiums on official bonds shall be paid by the City.

There shall be no personal liability upon, or any right to recover against, a superior officer, or his bond, for any wrongful act or omission of his subordinate, unless such superior officer was a party to, or conspired in, such wrongful act or omission.

Section 513. Oath of Office. Each member of the City Council and of every board and commission and each officer, department head and full-time employee, before entering upon the discharge of the duties of his office, shall take, subscribe to and file with the City Clerk the following oath or affirmation:

“I do solemnly swear (or affirm, as the case may be) that I will support the Constitution of the United States and the Constitution of the State of California, that I will faithfully discharge the duties of the office of (here inserting name of office) according to the best of my ability and that I am not a member of any party or organization which advocates the overthrow of the government of the United States by force or violence.”

## Article VI

### Appointive Boards and Commissions

Section 600. In General. There shall be the boards and commissions enumerated in this Article which shall have the powers and duties set forth in this Charter. In addition, the City Council may create by ordinance such boards or commissions as in its judgment are required and may grant to them such powers and duties as are consistent with the provisions of this Charter.

Section 601. Appropriations. The City Council shall include in its annual budget such appropriations of funds as in its opinion shall be sufficient for the efficient and proper functioning of such boards and commissions.

Section 602. Appointments, Terms. The members of each of such boards or commissions shall be appointed, and shall be subject to removal, by motion of the City Council adopted by at least three affirmative votes. The members thereof shall serve for a term of four years and until their respective successors are appointed and qualified.

The members first appointed to such boards and commissions shall so classify themselves by lot that each succeeding July 1st the term of one of their number shall expire. If the total number of members of a board or commission to be appointed exceeds four, the classification by lot shall provide for the grouping of terms to such an extent as is necessary in order that the term of at least one member shall expire on each succeeding July 1st.

Section 603. Existing Boards. The respective terms of office of all members of the boards and commissions in existence at the time this Charter takes effect shall terminate upon the effective date of this Charter.



Meetings  
Chairman

Section 604. Meetings. Chairmen. As soon as practicable, following the first day of July of every year, each of such boards and commissions shall organize by electing one of its members to serve as presiding officer for the ensuing year. Each board or commission shall hold regular meetings as required by ordinance of the City Council, and such special meetings as such board or commission may require. All proceedings shall be open to the public.

The affirmative vote of a majority of the entire membership of such board or commission shall be necessary for it to take any action except to adjourn.

Records

The Administrative Officer shall designate a secretary for the recording of minutes for each of such boards and commissions, who shall keep a record of its proceedings and transactions. Each board or commission may prescribe its own rules and regulations which shall be consistent with this Charter and copies of which shall be kept on file in the office of the City Clerk where they shall be available for public inspection. Each shall have the same power as the City Council to compel the attendance of witnesses, to examine them under oath and to compel the production of evidence before it.

Compensation  
and  
vacancies

Section 605. Compensation. Vacancies. The members of boards and commissions shall serve without compensation for their services as such, but may receive reimbursement for necessary traveling and other expenses incurred on official duty when such expenditures have received authorization by the City Council.

Any vacancies in any board or commission, from whatever cause arising, shall be filled by appointment by the City Council. Upon a vacancy occurring leaving an unexpired portion of a term, any appointment to fill such vacancy shall be for the unexpired portion of such term. If a member of a board or commission absents himself from three regular meetings of such board or commission, consecutively, unless by permission of such board or commission expressed in its official minutes, or is convicted of a crime involving moral turpitude, or ceases to be a qualified elector of the City, his office shall become vacant and shall be so declared by the City Council.

Oaths and  
affirmations

Section 606. Oaths. Affirmations. Each member of any such board or commission shall have the power to administer oaths and affirmations in any investigation or proceeding pending before such board or commission.

Planning  
commission

Section 607. Planning Commission. There shall be a City Planning Commission consisting of seven members to be appointed by the City Council from the qualified electors of the City, none of whom shall hold any paid office or employment in the City government. The number of members to comprise the commission may be changed by ordinance of the City Council to not less than five nor more than nine members.

The services of the City Engineer, City Attorney and Building Inspector shall be made available to such Commission.

Section 608. Planning Commission. Powers and Duties. Powers and duties  
The Planning Commission shall have the power and duty to:

(a) Recommend to the City Council, after a public hearing thereon, the adoption, amendment, or repeal of a Master Plan or any part thereof for the physical development of the City; and

(b) Exercise such functions with respect to land subdivisions, planning and zoning as may be prescribed by ordinance.

Section 609. Board of Library Trustees. Board of library trustees  
There shall be a Board of Library Trustees consisting of five members to be appointed by the City Council from the qualified electors of the City and no member of said Board shall hold any paid office or employment in the City government.

Section 610. Board of Library Trustees. Powers and Duties. Powers and duties  
The Board of Library Trustees shall have the power and duty to:

(a) Act in an advisory capacity to the City Council in all matters pertaining to city libraries;

(b) Recommend to the City Council the adoption of such bylaws, rules and regulations as it may deem necessary for the administration and protection of city libraries; and

(c) Approve or disapprove the appointment of Librarian who shall be the department head.

Section 611. Civil Service Commission. Civil service commission  
There shall be a Civil Service Commission consisting of three members to be appointed by the City Council from the qualified electors of the City, none of whom shall hold any salaried City office or employment, nor, while a member of the Commission or for a period of one year after he has ceased for any reason to be a member, be eligible for appointment to any salaried office or employment in the service of the City, or to any City elective office.

The members of the Civil Service Commission shall be nominated and appointed in the following manner. One member shall be appointed by the City Council from a list of three persons to be nominated by election by the employees in the Classified Service; one member shall be appointed by the City Council directly, and the third shall be appointed by the City Council from a list of three persons nominated by the two thus appointed. The successor of any member of the Commission shall be nominated and appointed in the same manner as such member was nominated and appointed.

The term of the members of the Civil Service Commission shall be three years. Members shall hold office until their respective successors are appointed, but vacancies shall be filled without undue delay. The members first appointed shall so classify themselves by lot that on each succeeding first day of July the term of one of their number shall expire. As soon as practicable upon the appointment of the first commission and following the first day of July of each year thereafter, the Civil Service Commission shall organize by electing one of its members to serve as chairman at the pleasure of the Commission. All proceedings of said Commission shall be open to the public and a

majority vote of the entire membership of such Commission shall be necessary for it to take action.

Powers and  
duties

Section 612. Civil Service Commission. Powers and Duties. The Civil Service Commission shall have power and be required to:

(a) Recommend to the City Council, after a public hearing thereon, the adoption, amendment or repeal of Civil Service rules and regulations not in conflict with this Article;

(b) Hear appeals of any person in the Classified Service relative to any suspension, demotion or dismissal; and

(c) Make a study of compensation being paid for each class of position under the Classified Service and of the hours of labor, sick leaves and vacations applicable to each such class, at least once every two years and at such other times as the City Council may request and report the results of such study to the City Council with such recommendations as it deems warranted, which study may include:

Comparisons with rates of pay for comparable service in commercial and industrial establishments and in other public employments;

Surveys of prevailing market rates, costs and standards of living and of the city's policies, finances and means with respect to the Classified Service;

(c) Make any investigation which it may consider desirable concerning the administration of personnel in the municipal service and report its findings to the City Council and Administrative Officer; and

(d) Appoint a Secretary to the Commission who shall serve at its pleasure.

Parks and  
recreation  
commission

Section 613. Parks and Recreation Commission. There shall be a Parks and Recreation Commission consisting of at least five members to be appointed by the City Council from the qualified electors of the City or of the school district and no member of said Commission shall hold any paid office or employment in the City government. The number of members to comprise the Commission may be changed by ordinance of the City Council.

In the event the City Council contracts with other agencies interested in recreation and parks for the joint exercise of any of such functions, such contract may provide for representation on the Commission of representatives of such agencies during the existence of such contract or extensions thereof.

Powers and  
duties

Section 614. Parks and Recreation Commission. Powers and Duties. The Parks and Recreation Commission shall have the power and duty to:

(a) Act in an advisory capacity to the City Council in all matters pertaining to parks, recreation and playgrounds.

(b) Consider the annual budget for parks and recreation purposes during the process of its preparation and make recommendations with respect thereto to the City Council and the Administrative Officer; and

(c) Assist in the planning of a recreation program for the inhabitants of the City, promote and stimulate public interest therein, and to that end, solicit to the fullest extent possible the cooperation of school authorities and other public and private agencies interested therein.

## Article VII

### Water Department

Section 700. Water Department. There shall be a Water Department (hereinafter in this Article designated as the "Department"), which shall have and exercise all the powers provided for in this Article. The powers of the City Council respecting the Department shall be solely legislative and the City Council shall have the power, by ordinance, to make and the City may enforce, laws and regulations respecting the subject matter of this Article to the same extent and with the same effect as the Legislature of the State may do with respect to cities which are controlled by Acts of the Legislature. Any such ordinance shall be consistent with this Article and subject to the restrictions and limitations provided therein or elsewhere in this Charter.

Section 701. Activation of Department. Anything in this Article to the contrary notwithstanding, the City Council may, in its discretion, defer the activation of the Department until such time as it deems it to be in the public interest that the functioning of the Department should begin. To that end the City Council may defer the appointment of the first Board of Water Commissioners to such time as it may see fit. Until the members of the first Board of Water Commissioners shall have been appointed and have qualified the operation of all of the provisions of this Article, other than the provisions of this Section and the provisions relating to such appointment, shall be deemed to be suspended, and, pending such appointment and qualification the City Council shall exercise all the powers of the City pertaining to the water supply thereof.

Section 702. Powers and Duties of the Department. The Department may exercise every power which the City might or could exercise under the Constitution of the State, and under this Charter with respect to the acquisition (whether by purchase, lease, eminent domain or otherwise), construction, establishment, improvement, extension, maintenance, operation and replacement of a water system for supplying water for the use of the City and its inhabitants, the said powers being hereinafter referred to as the "powers of control." The Department shall have jurisdiction and control over any and all properties and rights which the City now has, or may hereafter have, relating in any manner to the supplying of water to the City or its inhabitants

Without limiting the generality of the next preceding paragraph the powers of control shall include the power to:

(a) Acquire, construct, establish, improve, extend, maintain, operate and replace, manage and control a water system, and to supply water therefrom to users both inside and outside the City;

(b) Acquire and hold, in the name of the City, or in the manner hereinafter provided, any and all property and interests therein, within or without the City;

(c) Co-operate or join, by contract or otherwise, with other cities, or departments or agencies thereof, or districts or other public agencies (each hereinafter referred to as a "co-operating agency") in exercising any or all of the powers of control, as hereinafter in this Article more particularly provided;

(d) Establish and regulate rates and charges for service from such system to users both inside and outside the City;

(e) Incur indebtedness from time to time for such system and issue revenue bonds, including refunding revenue bonds, in negotiable or non-negotiable form, and payable from such revenues of the Department as therein may be provided, to evidence such indebtedness, in accordance with procedures to be established by ordinance of the City Council; provided, however, that no such indebtedness shall be incurred without the assent of a majority of the voters voting upon the proposition of incurring the same, at an election at which such proposition shall have been duly submitted to the qualified electors of the City;

(f) Make covenants for the benefit of the holders of any such bonds for the maintaining of adequate rates or charges, for restrictions upon further indebtedness payable out of the same fund, for restrictions upon transfers out of such fund, and any other appropriate covenants;

(g) Establish funds in the City Treasury, or trust accounts with a depository or depositories, for such system and place limitations upon the use of moneys therefrom;

(h) Sue and be sued; and

(i) Do any and all acts or things necessary or appropriate to carry out the purposes of this Article.

Neither such revenue bonds, nor the interest accruing thereon, shall be, or evidence, indebtedness of the City. Such bonds, and the interest accruing thereon, shall be a charge upon such of the revenues of the Department as by the terms of their issuance are so charged therewith, but shall not be a charge, lien or encumbrance, legal or equitable upon, nor shall any recourse on account thereof be had against any other property of the City or of the Department or upon or against any other income, receipts, revenues or funds of the City or the Department; and neither the credit nor the taxing power of the City shall be deemed to be pledged to, or charged with, such payment, nor shall the holder of any such bond have any right to compel the exercise of such taxing power.

Any ordinance establishing procedures for the issuance of revenue bonds shall be subject to referendum in the same manner as other ordinances.

Authority under this Article to issue revenue bonds shall not preclude the right of the City to issue general obligation bonds for water purposes when duly authorized by appropriate action of the City Council and the electors. The disbursement of all funds obtained by the issuance of such general obligation bonds shall be under the jurisdiction and control of the Department.

Section 703. Funds of Department. All moneys received <sup>Funds</sup> by the Department from the furnishing of service from, or for use of such water system, or from any other source in connection with the operation thereof, shall be deposited in the City Treasury to the credit of a fund to be known as the "Water Revenue Fund" and no sums shall be paid from said fund other than <sup>"Water revenue fund"</sup> expenditures duly authorized by the Board of Water Commissioners, except that moneys received as the proceeds of the sale of bonds may be paid, and moneys in said Water Revenue Fund may be transferred, into any special fund or trust account established by such Board in connection with any issue or issues of bonds issued or to be issued for the purpose of such water system, as a fund or trust account set apart and segregated for the payment of principal or interest on any issue or issues of bonds or as a fund or trust account to assure the application of the proceeds thereof to the purpose for which such bonds may be issued, or for any like purpose. Money placed in any such special fund or trust account shall not be expended for any purpose whatsoever except for the purposes for which such special fund or trust account was established and shall be deemed segregated from all other funds of the City or Department and reserved exclusively for the purposes for which said special fund or trust account was established, but moneys in any such special fund or trust account may be transferred to another such special fund or trust account established for the same purpose, or pending the use thereof for the purpose for which such special fund or trust account was established may be invested in bonds or other evidences of indebtedness of the United States, the State of California, or any political subdivision thereof, the City or the Department. Any unexpended balance remaining in any such special fund or trust account after the purposes of its establishment shall have been fully accomplished shall revert to the Water Revenue Fund.

Section 704. Separate Entity. The Department shall be, <sup>Separate entity</sup> and shall be conducted as, an independent, self-sustaining unit, and all accounting respecting the affairs of the Department shall be on that basis. Costs incurred for the joint benefit of the Department and other offices, departments or agencies of the City shall be prorated between them. Charges shall be made and paid between the Department and all other offices, departments and agencies of the City for all personal services of officers or employees, whether they be rendered in conjunction with duties for other offices, departments or agencies or be part time or full time duties for the Department, and for all utility services or uses, all property, or other things of value, furnished, supplied

or rendered by, to, or from the Department from, to or by the City, or any other office, department or agency of the City. No payments or contributions shall be made by the Department to the general funds of the City, otherwise than as above provided, except that:

(a) There may be paid from the Water Revenue Fund into the general funds of the City not to exceed such an amount as the Board of Water Commissioners may determine to be equivalent to the amount which would be payable from the funds of such Department for city taxes, on the property within the City held by the Department in the name of the City, or on any property within the City held in trust for the City for water purposes as herein provided, or for license fees, franchise tolls, or other charges, if the Department were not exempt therefrom; and

(b) There shall be paid from the revenues of the Department into the appropriate funds of the City, so far as the Board of Water Commissioners may find practicable, after the payment of all costs of operation and maintenance of said Department and all principal and interest on revenue bonds of the Department, sufficient moneys to pay principal and interest on any issue of general obligation bonds for water purposes which may at any time be outstanding, and to reimburse the general funds of the City for any payments which may theretofore have been made therefrom on account of any such general obligation bonds.

Board of  
water com-  
missioners

Section 705. Board of Water Commissioners. There shall be a Board of Water Commissioners (hereinafter in this Article designated as the "Board") consisting of five members who shall be appointed by the City Council from the qualified electors of the City, none of whom shall hold any salaried public office or employment. All of the provisions of Sections 602, 604, 605, and 606 of Article VI of this Charter shall apply to the Board and its members, except (a) that the time for holding its regular meetings shall be determined by the Board by resolution; (b) that it may hold such special meetings as it may deem necessary; (c) that the General Manager shall designate its Secretary; and (d) that the members of the Board may receive reimbursement for necessary traveling and other expenses incurred on official duty when such expenditures have received authorization by the Board.

Powers and  
duties

Section 706. Board of Water Commissioners. Powers and Duties. In addition to the powers prescribed elsewhere in this Article, the Board shall have power and be required to:

(a) Act both as the policy-making board and controlling board with respect to all powers and functions of the Department;

(b) Perform the same functions with respect to the annual budget and all expenditures of the Department, and with respect to all matters and affairs of the Department, as are performed by the City Council with respect to the budget and expenditures, matters and affairs of all other offices, departments and agencies

of the City generally, excepting only those legislative functions which are reserved to the City Council by Section 700 of this Article:

(c) Appropriate and set aside annually from the appropriate funds of the Department sufficient moneys to pay principal and interest on any outstanding revenue bonds of the Department to become due during the ensuing fiscal year;

(d) Appropriate and set aside annually from revenues of the Department, so far as such board may find practicable, after the payment of all costs of operation and maintenance of said Department and all principal and interest on revenue bonds of the Department, sufficient moneys to pay principal and interest on any outstanding issue of general obligation bonds for water purposes, to become due during the ensuing fiscal year, and to reimburse the general funds of the City for any payments made therefrom on account of such bonds: and

(e) Do any and all acts or things necessary or appropriate for the exercising of all powers vested in the Department, except as to such powers as are vested by this Article in the General Manager.

Section 707. General Manager. Powers and Duties. General manager: Powers and duties  
 There shall be a General Manager who shall be the head of the administrative branch of the Department. The General Manager shall be appointed by the Board. The General Manager shall be responsible to the Board for the proper administration of all the affairs of the Department in accordance with the policies established by such Board. The General Manager shall have, exercise and perform the same powers and duties with respect to the affairs of the Department as under this Charter the Administrative Officer has, exercises and performs with respect to the affairs of the City generally.

In applying the provisions of this Charter with reference to the powers and duties of the Administrative Officer, to the performance of the powers and duties of the General Manager, all requirements that the Administrative Officer shall report to the City Council shall be understood as requirements that the General Manager shall report to the Board; all requirements that appointments made by the Administrative Officer shall be subject to the approval of the City Council shall be understood as requirements that appointments by the General Manager shall be subject to the approval of the Board; and, unless clearly otherwise required by the context, all references to the City, the City Council and the Administrative Officer shall be understood as references to the Department, Board and General Manager, respectively.

Section 708. Joint Water System. In addition to, or Joint water system  
 instead of, exercising all or any of the powers of control separately and independently, and notwithstanding any other provision of this Charter, the Department may exercise all or any of said powers in co-operation or jointly with any co-operating agency, as in this Article above defined, either under the provisions of this Charter alone, or under any applicable state law, or under both.



## Powers

Without limiting the generality of the next preceding paragraph the Department shall have power to :

(a) Provide, by contract, resolution, or otherwise, for the creation, powers and duties of a board or committee (hereinafter referred to as a "joint agency") to acquire, construct, establish, improve, extend, maintain, operate and replace a joint water system, or any portion of such system, for the benefit of all the co-operating agencies joining in the plan, and to exercise with respect thereto, for such joint benefit, all or any of the powers of control vested in the Department ;

(b) Act as such joint agency ;

(c) Acquire (by purchase, lease, eminent domain, or otherwise), undivided interests in any such joint water system, or the entire interest in such portions thereof as serve the City, or in such portions thereof as may be appropriate for effectuating the joint plan ;

(d) Provide for the acquisition (by any such means) by any such joint agency, or by any trustee acting for the benefit of the co-operating agencies, of any such property, or interests in property, and the holding of the same in trust for such co-operating agencies ;

(e) Without the creation of any such joint agency, to provide for the operation of all or any part of any such joint water system under the management of a joint-manager appointed by joint action of the co-operating agencies ;

(f) Provide for the collection, receipt and expenditure by any such joint agency of all revenues from such joint water system, or of such portion thereof as may be appropriate for effectuating the joint plan ;

(g) Incur indebtedness and issue revenue bonds, in the manner hereinabove provided, in connection with any such joint system, to provide capital funds to carry out the purposes of this Section ;

(h) Provide for the incurring by any such joint agency of indebtedness for such joint system, for the issuance by such joint agency of revenue bonds to evidence such indebtedness and for the expenditure by such joint agency of the proceeds of such revenue bonds, or the proceeds of any revenue bonds of the Department or of any general obligation bonds of the City issued for water purposes ;

(i) Amend, revise, or modify, from time to time, any such joint plan by like joint action ; and

(j) Do any and all things appropriate for effectuating any such joint plan, it being the intention of this Article to invest the Department with all powers necessary or appropriate for the providing of a water supply for the City and its inhabitants, either separately and independently, or in co-operation or jointly with any one or more co-operating agencies, and to that end that said Department shall have the utmost freedom of action in all matters pertaining to such water supply.

Joint agency.  
Powers

If any joint agency is established—

1. The proceedings for its establishment may provide for the creation of a fund under the control of such joint agency

conforming as nearly as may be practicable to the provisions of this Article respecting the Water Revenue Fund;

2. Such proceedings may authorize such joint agency to establish special funds or trust accounts, substantially in the same manner as provided in Section 703 of this Article;

3. Such proceedings may establish the procedures under which such revenue bonds may be issued by any such joint agency; provided however that such procedures shall provide that no such revenue bonds shall be issued without the assent of a majority of the voters of the City voting upon the proposition of issuing the same, at an election at which such proposition shall have been duly submitted to the qualified electors of the City; and provided, further, that no such proceedings shall be sufficient to authorize the issuance of revenue bonds by such joint agency unless and until such procedure for the issuance of revenue bonds has been approved by ordinance of the City Council, which shall be subject to referendum in the same manner as other ordinances;

4. Such proceedings may provide for limitations upon the amounts of such revenue bonds, and may also provide terms and conditions of the issuance thereof, but the specification of such terms and conditions shall not preclude such joint agency from providing other terms and conditions not inconsistent therewith; and

5. There shall be required to be placed in the Water Revenue only such portions of the revenues of the joint water system as under the terms of the joint plan are payable to the Department and are received by it from said joint agency, plus any and all revenues or other moneys received by the Department from the operation of any portion of the joint system operated by it, or from any other source in connection with the operation of any water system.

Section 709. City Attorney. The City Attorney shall have, exercise and perform the same powers and duties with respect to the affairs of the Department as specified in Section 503 of this Charter with respect to the affairs of the City generally. In applying the said provisions of said Section 503 to the performance of his powers and duties with respect to the Department all references to the City and the City Council shall be understood as references to the Department and Board, respectively.

Section 710. Finance Officer. The Finance Officer shall have, exercise and perform the same powers and duties with respect to the affairs of the Department as specified in Section 505 of this Charter with respect to the affairs of the City generally. In applying the said provisions of said Section 505 to the performance of his powers and duties with respect to the Department all references to the City or City government, the City Council, and the Administrative Officer, shall be understood as references to the Department, Board and General Manager, respectively, and paragraph (g) of said Section shall be understood as requiring the Finance Officer to collect all bills and

charges of the Department and to receive all moneys receivable by it from any source whatsoever.

Contracts  
for construc-  
tion or im-  
provement

Section 711. Contracts for Construction or Improvement. Every project involving an expenditure of more than Three Thousand Dollars for the construction or improvement of buildings or works for the Department shall be let by contracts to the lowest responsible bidder in the same manner, as nearly as may be practicable, as contracts let by the City Council pursuant to Section 1109 of this Charter. The Board may exercise, in respect to such contracts, all powers which under said Section the City Council may exercise with respect to contracts of the City. In applying the provisions of said Section 1109 to the letting of contracts for the Department all references to the City, the City Council, the Administrative Officer, and the general fund of the City shall be understood as references to the Department, the Board, the General Manager, and the Water Revenue Fund, respectively. In creating any joint agency, the Department shall, so far as practicable, provide for similar procedure in the letting of contracts of the same class by such agency.

Purchase  
of supplies

Section 712. Purchase of Supplies. The Department shall have control of the contracting for, purchasing, storing, distribution, or disposal of all property, supplies, material, and equipment required by the Department, but, so far as the Board shall find it to be practicable, shall perform such functions through the centralized purchasing system established pursuant to Section 1110 of this Charter, and in conformity with Section 1111 of this Charter.

Retirement  
system

Section 713. Retirement System. Any retirement system applicable to the City generally shall be applicable to the Department.

Independent  
audit

Section 714. Independent Audit. The independent audit provided for by Section 1118 of this Charter shall include and cover the affairs of the Department, and a copy of so much of the final audit and report provided for in said Section as shall relate to the affairs of the Department shall be furnished to the Board.

Department  
functions  
not to be  
consolidated

Section 715. Department Functions not to be Consolidated. Notwithstanding the provisions of Section 506, or any other provisions, of this Charter, or of any applicable State law, the City Council shall not transfer or consolidate any functions of the Department to or with any functions of the State or County governments, or in any other manner, or make use of any functions of the State or County governments, either wholly or in part, in place, or stead of the performance by the Department of any of its functions; but, this shall not in anywise limit the powers of the Department and the Board with reference to a joint water system pursuant to this Article, or in anywise limit the power of the Council to take any action appropriate for furthering any joint plan adopted by the Department.

Other  
provisions  
applicable

Section 716. Applicability of other Charter Provisions. The provisions of this Charter enumerated in this Section shall

apply to the Department, the Board, the General Manager and all officers, employees, and affairs of the Department:

- Section 507;
- Section 508;
- Section 509—except that with reference to contracts pertaining to the Department, the power to declare the same void shall be exercised by resolution of the Board and not by resolution of the City Council;
- Section 511;
- Section 512;
- Section 513;
- Article VIII;
- Sections 1100 to 1105, inclusive;
- Section 1108—but only in so far as by its own express terms it is applicable to the Department.
- Sections 1115 to 1117, inclusive; and
- Article XV.

In applying to the Department and its affairs those provisions of this Charter enumerated in this Section, and any and all other provisions of this Charter which by the express terms of this Article, or by necessary implication therein, are made applicable to the Department and its affairs, (other than the provisions of Sections 602, 604, 605, and 606, the interpretation of which as applied to the Board shall be as set forth in Section 705), the following terms appearing in any such provision, unless clearly otherwise required by the context, shall have the following meanings:

“City” or “City Government” shall mean “Department” <sup>Definitions</sup> except that this shall not apply to the word “City” where used in the term “City service” in Section 808, which shall be understood as including both City service and Department service; and except that this shall not apply where the word “City” is used in any requirement of residence within the City, or in any geographical sense;

“City Council” shall mean “Board of Water Commissioners”;

“Ordinance” shall mean “resolution of the Board of Water Commissioners”;

“Administrative Officer” shall mean “General Manager”; and

“City Clerk” shall mean “Secretary of the Board”.

Except as in this Article expressly provided, or necessarily implied, none of the provisions of this Charter, other than the provisions of this Article, shall be applicable to the Department, or its affairs.

## Article VIII

### Civil Service

Section 800. Merit Principle. Appointments and promotions in the Classified Service of the City shall be made <sup>Merit principle</sup>

according to merit and fitness and from eligible lists to be established in accordance with Civil Service rules and regulations adopted in the manner provided in this Charter.

Section 801. Unclassified and Classified Service. The Civil Service of the City shall be divided into the Unclassified and the Classified Service.

Unclassified  
service

(a) The Unclassified Service shall include the following officers and positions:

1. All elective officers;
2. Administrative Officer, Finance Officer, City Attorney, City Judge, Librarian, and one private secretary to the Administrative Officer;
3. All members of boards and commissions.
4. Positions in any class or grade created for a special or temporary purpose and which may exist for a period of not longer than ninety days in any one calendar year;
5. Persons employed to render professional, scientific, technical or expert service of an occasional and exceptional character; and
6. Part-time employees paid on an hourly or per diem basis.

Classified  
service

(b) The Classified Service shall comprise all positions not specifically included by this section in the Unclassified Service.

(c) Any person holding a position or employment included in the Classified Service who, on the effective date of this Charter, shall have served continuously in such position, or in some other position included in the Classified Service, for a period of six months immediately prior to such effective date, shall automatically be granted regular status in the Classified Service in the position held on such effective date, without preliminary examinations or other tests, and shall thereafter be subject in all respects to the provisions of the Civil Service System provided for in this Charter.

Any person holding such a position or employment who, on the effective date of this Charter, shall have served in the Classified Service for a period of less than six months immediately prior to such effective date, shall automatically be granted the status of a probationary appointee in the position held on such effective date, without preliminary examinations or other tests, and the length of his service in the position shall be credited to his probationary period as provided for in this Article.

(d) The person holding the position of City Clerk or City Treasurer, formerly elective offices, if he shall have served continuously in such position for the period of six months immediately prior to such effective date, shall likewise assume regular status in the Classified Service; as to the person holding the position of City Clerk, in the position of City Clerk under this Charter and, as to the person holding the position of City Treasurer, in a position having similar duties in the department headed by the Finance Officer.

Personnel  
clerk

Section 802. Appointment of Personnel Clerk. The City Council shall appoint a Personnel Clerk whose duty it shall

be to act in the capacity of a secretary and clerk to the Civil Service System. He shall be the custodian of all personnel records and shall be the official upon or with whom all notices, requests for hearings, complaints and other official documents shall be served or filed.

Said Personnel Clerk shall establish and maintain in card index form, a roster of officers and employees in the Classified Service. He shall also prepare a record of the length of service of each employee in the Classified Service, together with a concise statement of all duties being performed by said employee, the salary being paid, and the hours of work of said employee. He shall render such additional services in connection with such Civil Service System as may be requested by the City Council.

The duties of the office of Personnel Clerk may be combined with those of any other office in the event the work involved does not warrant, in the discretion of the City Council, the creation of a special position.

Section 803. Rules and Regulations. The Civil Service rules and regulations shall provide for the following matters, in addition to such others as the Civil Service Commission may deem necessary, proper or expedient to carry on the intent and purpose of the Civil Service provisions of this Charter:

Rules and  
regulations

1. The classification of all positions in the Classified Service.

2. The selection, employment, advancement, suspension, demotion, discharge and retirement of all persons in the Classified Service.

3. The recruitment of applicants for City positions through public advertisement inviting applications and by the establishment of lists according to the merit and fitness of the applicants, to be determined by free examinations in accordance with such rules. The holding of promotional examinations to fill vacancies where promotional examinations are practicable in the opinion of the Civil Service Commission.

4. The certification of the three names standing highest on the eligible list to the appointing authority to fill a position in the Classified Service, unless the Civil Service Commission with the consent of the appointing power authorized the certification of less than three names on an eligible list and in the opinion of such commission and such appointing power conditions warrant such action.

5. A probationary period of six months for all officers and employees in the Classified Service after original or promotional appointment during which the officer or employee may be rejected at any time without the right of hearing before the Civil Service Commission; a person so rejected from a position to which he has been promoted to be reinstated to the position from which he was promoted, unless he is dismissed from the service of the City in addition to the rejection, in which event he shall have the right of a hearing before the Civil Service Commission as to such order of dismissal.

Appoint-  
ments from  
classified  
service  
positions

Section 804. Appointments from Classified Service Positions. In the event an officer or employee of the City holding a position in the Classified Service is appointed to a position in the Unclassified Service, and should within six months thereafter be removed or resign therefrom, he shall revert to his former position in the Classified Service without loss of any rights or privileges and upon the same terms and conditions as if he had remained in said position continuously.

Temporary  
appoint-  
ments

Section 805. Temporary Appointments. (a) Temporary appointments to the head of any department where a vacancy may occur shall be made by the City Council provided that any such appointment shall be made from the employees of any such department and such appointee shall be an employee with at least one or more years of actual service on such department in which such vacancy occurs.

(b) Temporary appointments shall be made by the head of each department in which such vacancy may occur of persons not on the eligible list in the event that no eligible list has been prepared for that position, or that those on the eligible list are not immediately available, or during the suspension of an employee or officer, or pending final action on proceedings to review a suspension, demotion or dismissal of an employee or officer. Such temporary appointments shall not continue for a longer period than three months and no persons shall be eligible to serve as a temporary appointee in any one or more positions for more than an aggregate period of three months in any one fiscal year. No credit shall be allowed in the giving of examinations for service rendered under a temporary appointment.

Abolishment  
of positions

Section 806. Abolishment of positions. Whenever in the judgment of the City Council it becomes necessary in the interest of economy or because the necessity for the position involved no longer exists, the City Council may abolish any position or employment in the Classified Service and discharge or reduce the position or employment. Should such employee or officer holding such position or employment involving all or the major part of the same duties be reinstated or created within two years, the employee or officer discharged or reduced shall be appointed thereto in preference to any other qualified persons on the eligible list for such position.

Removal or  
suspension of  
employees

Section 807. Removal or Suspension of Employees. The appointing authority, for disciplinary purposes only and without giving rise to a right of hearing before the Civil Service Commission, may suspend without salary an officer or employee holding a position in the Classified Service for not more than thirty days in any one calendar year.

Every officer and employee who has attained regular status in a position in the Classified Service shall retain his office or employment so long as it exists under the same or a different title during good behavior. The appointing authority, however, shall have power to demote, suspend or remove any such officer or employee from his position for misconduct, incompetence, habitual intemperance, immoral conduct, insubordination,

repeated discourteous treatment of the public, conviction of a felony, inattention to duties, or for engaging in prohibited political activity but subject to the right of such officer or employee to a hearing before the Civil Service Commission in the manner set forth in this Section.

Such employee shall be entitled to receive, upon his request, at the office of the board or officer taking such action, not later than the second business day thereafter, a written statement in which shall be separately stated each of the charges against him upon which such suspension, demotion or removal is based, a copy of which statement shall be furnished to the Civil Service Commission. He shall have ten days after receipt of such statement within which to file an answer to such statement of charges should he desire to do so.

The answer shall be filed in the office of the City Clerk and with the Civil Service Commission. In his answer, or otherwise if no statement of charges has been made available to him as required, such employee may request a hearing by the Civil Service Commission to review such suspension, demotion or removal which shall be called and held as provided for in the rules and regulations. Hearings may be conducted informally and the rules of evidence need not apply. Such employee shall have an opportunity at such hearing to be heard in person or by counsel.

The Civil Service Commission shall make written findings <sup>Findings</sup> which shall state as to each charge whether or not such charge is sustained. Such Commission shall also set forth in writing its conclusions and recommendations based upon such findings and within ten days after concluding the hearing, it shall certify its findings, conclusions and recommendations to the board or officer from whose action the appeal was taken, and to the Chief Administrative Officer and City Council.

If, with respect to a demotion, suspension or removal, the Civil Service Commission shall conclude that the charges on which such action was based were not proved or, although proved, were motivated by personal, racial, religious or political prejudice, a recommendation by it of reinstatement without loss of pay shall be binding upon the board or officer having appointive power and such board or officer shall forthwith order such reinstatement. Except as specified in the immediately preceding sentence, the recommendations of the Civil Service Commission shall be advisory only to the board or officer having appointive power. The findings and conclusions of such Civil Service Commission and, except as modified in this paragraph, the decision of such board or officer with respect to such recommendations shall be final and conclusive and no appeal shall be taken therefrom.

Where an appeal is taken to the Civil Service Commission from an order of dismissal, the vacancy in the position shall be considered a temporary vacancy pending final action by the Civil Service Commission and the board or officer having



appointive power and may be filled only by a temporary appointment.

A reduction in pay shall be a demotion, under this section, unless it is a part of a plan to reduce salaries and wages in connection with a general economy or curtailment program. A failure to grant an increase to an individual, at a time when increases are granted generally as a part of a plan to increase salaries and wages throughout the City Service, shall likewise be a demotion.

Contract for performance of administrative functions

Section 808. Contract for Performance of Administrative Functions. The City Council may contract with the governing body of a City, or County within this State, or with a State Department or other public or private agency for the preparation or conducting of examinations for positions in the City service or for the performance of any other personnel administration service.

Improper political activity

Section 809. Improper Political Activity. No person holding a position under the Classified Service shall seek or accept election, nomination or appointment as an officer of a political club or organization, or take an active part in a county or municipal political campaign, or serve as a member of a committee of such club or organization or circle, or seek signatures to any petition provided for by law, or act as a worker at the polls, or distribute badges or pamphlets, dodgers or hand bills of any kind favoring or opposing any candidate for election, or for nomination to a county or municipal public office; provided, however, that nothing in this Article shall be construed to prevent any such officer or employee from becoming or continuing to be a member of a political club or organization, or from attendance at a political meeting, or from enjoying entire freedom from all interference in casting his or her vote or from seeking or accepting election or appointment to public office.

Penalty

Any willful violation thereof or violation through culpable negligence, shall be sufficient grounds to authorize the discharge of an officer or employee.

Unlawful discrimination

No person in the Classified Service, or seeking admission thereto, shall be employed, promoted, demoted or discharged, or in any way favored or discriminated against because of political opinions or affiliations or because of race or religious belief, except that no one shall be eligible to hold a position with this City who is a member of any group or organization which advocates the overthrow of our form of government by force or violence.

Solicitation of contributions

Section 810. Solicitation of Contributions. No officer, agent, clerk or employee, under the government of the city, shall directly or indirectly solicit or receive, or be in any manner concerned with soliciting or receiving, any assessment, subscription, contribution or political service, whether voluntary or involuntary, for any political purpose whatever, from any one on the eligible lists or holding any position under the provisions of this article.

## Article IX

### Retirement

Section 900. State System. Plenary authority and power are hereby vested in the City, its City Council and its several officers, agents and employees to do and perform any act, or exercise any authority granted, permitted, or required under the provisions of the State Employees' Retirement Act, as it now exists or may hereafter be amended, to enable said City to continue as a contracting City participating in the said Retirement System. The City Council may terminate any such contract with the Board of Administration of the State Employees' Retirement System only under authority granted by ordinance adopted by a majority vote of the electors of the City, voting on such proposition at an election at which such proposal is presented.

Retirement  
system

## Article X

### Elections

Section 1000. General Municipal Elections. General municipal elections for the election of officers and for such other purposes as the City Council may prescribe shall be held in said City on the second Tuesday in April in each even numbered year commencing with the year 1950.

General  
municipal  
elections

Section 1001. Special Municipal Elections. All other municipal elections that may be held by authority of this Charter, or of any law, shall be known as special municipal elections.

Special  
municipal  
elections

Section 1002. Procedure for Holding Elections. Unless otherwise provided by ordinance, hereafter enacted, all elections shall be held in accordance with the provisions of the Elections Code of the State of California, as the same now exist or may hereafter be amended, for the holding of elections in cities of the sixth class so far as the same are not in conflict with this Charter.

Procedure

Section 1003. Initiative, Referendum and Recall. There are hereby reserved to the electors of the City the powers of the initiative and referendum and of the recall of municipal elective officers. The provisions of the Elections Code of the State of California, as the same now exist or may hereafter be amended governing the initiative and referendum and of the recall of municipal officers, shall apply to the use thereof in the City so far as such provisions of the Elections Code are not in conflict with this Charter.

Initiative,  
referendum,  
and recall

## Article XI

### Fiscal Administration

Section 1100. Fiscal Year. The fiscal year of the City government shall begin on the first day of July of each year and end on the thirtieth day of June of the following year.

Fiscal year

Annual  
budget:

Section 1101. Annual Budget. Preparation by the Administrative Officer. At such date as he shall determine, the Administrative Officer, through the Finance Officer, shall obtain from each department head estimates of revenue and expenditure for his department, detailed in such manner as may be prescribed by the Administrative Officer. In preparing the proposed budget, the Administrative Officer shall review the estimates, hold conferences thereon with the department heads, respectively, and may revise the estimates as he may deem advisable.

Submission  
to city  
council

Section 1102. Budget. Submission to City Council. At least thirty-five days prior to the beginning of each fiscal year, the Administrative Officer shall submit to the City Council the proposed budget as prepared by him. After reviewing same and making such revisions as it may deem advisable, the City Council shall determine the time for the holding of a public hearing thereon and shall cause to be published a notice thereof not less than ten days prior to said hearing, by at least one insertion in the official newspaper.

Copies of the proposed budget shall be available for inspection by the public in the office of the City Clerk at least ten days prior to said hearing.

Public  
hearing

Section 1103. Budget. Public Hearing. At the time so advertised, or at any time to which such public hearing shall from time to time be adjourned, the City Council shall hold a public hearing on the proposed budget, at which interested persons desiring to be heard shall be given such opportunity.

Further con-  
sideration  
and adoption

Section 1104. Budget. Further Consideration and Adoption. After the conclusion of the public hearing the City Council shall further consider the proposed budget and make any revisions thereof that it may deem advisable and on or before June 30, it shall adopt the budget with revisions, if any, by the affirmative votes of at least three members. Upon final adoption, the budget shall be in effect for the ensuing fiscal year. A copy thereof, certified by the City Clerk, shall be filed with the person retained by the City Council to perform auditing functions for the Council and a further copy shall be placed, and shall remain on file, in the office of the City Clerk where it shall be available for inspection. The budget so certified shall be reproduced and copies made available for the use of departments, offices and agencies of the City.

Appropriations

Section 1105. Budget. Appropriations. From the effective date of the budget, the several amounts stated therein as proposed expenditures shall be and become appropriated to the several departments, offices and agencies for the respective objects and purposes therein named. All appropriations shall lapse at the end of the fiscal year to the extent that they shall not have been expended or lawfully encumbered.

At any meeting after the adoption of the budget, the City Council may amend or supplement the budget by motion adopted by the affirmative votes of at least four members.

Section 1106. Tax Limits. (a) The City Council shall not levy a property tax, for municipal purposes, in excess of One Dollar annually on each One Hundred Dollars of the assessed value of taxable property in the City, except as otherwise provided in this section, unless authorized by the affirmative votes of a majority of the electors voting on a proposition to increase such levy at any election at which the question of such additional levy for municipal purposes is submitted to the electors. The number of years that such additional levy is to be made shall be specified in such proposition. Tax limits

(b) There shall be levied and collected at the time and in the same manner as other property taxes for municipal purposes are levied and collected, as additional taxes, if no other provision for payment thereof is made:

1. A tax sufficient to meet all liabilities of the City for principal and interest of all bonds or judgments due and unpaid, or to become due during the ensuing fiscal year, which constitute general obligations of the City; and

2. A tax sufficient to meet all obligations of the City to the State Employees Retirement System for the retirement of City employees, due and unpaid or to become due during the ensuing fiscal year.

(c) Special levies, in addition to the above may be made annually in amounts not to exceed the limits hereinafter enumerated in this section, respectively, on each One Hundred Dollars of the assessed value of taxable property in the City;

1. For libraries, 30 cents;
2. For recreation and parks, 30 cents.
3. For city planning, 20 cents.

The proceeds of any such special levy shall be used only for the respective purposes for which it is levied.

Section 1107. Tax System. The procedure for the assessment, levy and collection of taxes upon property, taxable for municipal purposes, may be prescribed by ordinance of the City Council. Tax system

Section 1108. Bonded Debt Limit. The City shall not incur an indebtedness evidenced by general obligation bonds which shall in the aggregate exceed the sum of fifteen percent of the total assessed valuation, for purposes of city taxation, of all the real and personal property within the City. Bonded debt limit

No bonded indebtedness which shall constitute a general obligation of the City may be created unless authorized by the affirmative votes of two-thirds of the electors voting on such proposition at any election at which the question is submitted to the electors and unless in full compliance with the provisions of the State Constitution and of this Charter. Bonds, which are payable out of such revenues of the Water Department as may be specified in such bonds, may be issued when the City Council by ordinance shall have established a procedure for the issuance of such bonds. Such bonds, payable out of such revenues, shall not constitute an indebtedness of the City. No such bonds payable out of any revenues of the Water Department, and no bonds

payable out of any revenues of the City or of any Department thereof, shall be issued without the assent of a majority of the voters voting upon the proposition of issuing the same, at an election at which such proposition shall have been duly submitted to the qualified electors of the City.

Contracts on  
public works

Section 1109. Contracts on Public Works. Every project, involving an expenditure of more than Three Thousand Dollars for the construction or improvement of public buildings, works, streets, drains, sewers, utilities, parks and playgrounds shall be let by contract to the lowest responsible bidder after notice by publication in the official newspaper by one or more insertions, the first of which shall be at least ten days before the time for opening bids. Projects for the resurfacing, maintenance or repair of streets, drains or sewers are excepted from the requirements of this paragraph if the City Council determines that such work can be performed more economically by a City department than by contracting for the doing of such work.

All bids shall be accompanied by either a certified, or cashier's check, or a bidder's bond executed by a corporate surety authorized to engage in such business in California, made payable to the City. Such security shall be in an amount not less than that specified in the notice inviting bids or in the specifications referred to therein, or if no amount be so specified then in an amount not less than ten per cent of the aggregate amount of the bid. If the successful bidder neglects or refuses to enter into the contract, within the time specified in the notice inviting bids or specifications referred to therein, the amount of his bidder's security shall be declared forfeited to the City and shall be collected and paid into its general fund and all bonds so forfeited shall be prosecuted and the amount thereof collected and paid into such fund.

The City Council may reject any and all bids presented and may readvertise in its discretion.

The City Council, after rejecting bids, or if no bids are received, may declare and determine that, in its opinion, based on estimates approved by the Administrative Officer, the work in question may be performed better or more economically by the City with its own employees and after the adoption of a resolution to this effect by at least four affirmative votes of the Council may proceed to have said work done in the manner stated, without further observance of the provisions of this section. Such contracts likewise may be let without advertising for bids, if such work shall be deemed by the City Council to be of urgent necessity for the preservation of life, health or property, and shall be authorized by resolution passed by at least four affirmative votes of the Council and containing a declaration of the facts constituting such urgency.

Centralized  
purchasing

Section 1110. Centralized Purchasing. A centralized purchasing system shall be established for all City Departments, offices and agencies. The Administrative Officer shall recommend and the City Council shall consider and adopt by ordinance, rules and regulations governing the contracting for, pur-

chasing, storing, distribution or disposal of all property, supplies, materials and equipment required or possessed by any department, office or agency of the City government.

Section 1111. **Competitive Bidding.** Before making purchases of, or contracts for, supplies, materials or equipment, ample opportunity shall be given for competitive bidding, under such rules and regulations and with such exceptions as the City Council may prescribe in the ordinance setting up such rules and regulations. When making purchases for the City, merchants with places of business located within the City shall be given the preference, quality and prices being equal. Competitive bidding

Section 1112. **Cash Basis Fund.** The City Council shall maintain a revolving fund, to be known as the "Cash Basis Fund", for the purpose of placing the payment of the running expenses of the City on a cash basis. A reserve shall be built up in this fund from any available sources in an amount which the City Council deems sufficient with which to meet all lawful demands against the City for the first five months, or other necessary period, of the succeeding fiscal year prior to the receipt of ad valorem tax revenues. Transfers may be made by the City Council from such fund to any other fund or funds of such sum or sums as may be required for the purpose of placing such funds, as nearly as possible, on a cash basis. Cash basis fund

All moneys so transferred from the Cash Basis Fund shall be returned thereto before the end of the fiscal year.

Section 1113. **Capital Outlays Funds.** A fund for capital outlays generally, is hereby created, to be known as the "Capital Outlays Fund". The City Council may create by ordinance a special fund or funds for a special capital outlay purpose. The City Council may levy and collect taxes for capital outlays and may include in the annual tax levy a levy for such purposes in which event it must apportion and appropriate to any such fund or funds the moneys derived from such levy. It may not, in making such levy, exceed the maximum tax rate provided for in this Charter, unless authorized by the affirmative votes of a majority of the electors voting on the proposition at any election at which such question is submitted. The City Council may transfer to any such fund any unencumbered surplus funds remaining on hand in the City at any time. Capital outlays fund

Once created, such fund shall remain inviolate for the purpose for which it was created; if for capital outlays generally, then for any such purposes, and if for a special capital outlay, then for such purpose only, unless the use of such fund for some other purpose is authorized by the affirmative votes of a majority of the electors voting on such proposition at a general or special election at which such proposition is submitted.

If the purpose for which any special capital outlay fund has been created has been accomplished the City Council may transfer any unexpended or unencumbered surplus remaining in such fund to the fund for capital outlays generally, established by this Charter.

Depart-  
mental trust  
fund

Section 1114. Departmental Trust Fund. The City Council shall prescribe by ordinance for the setting up of a "Departmental Trust Fund" into which the collections of the various departments, offices and agencies shall be deposited daily by the respective officers handling the receipt of such collections. Withdrawals from such fund may be made by the Finance Officer only on order signed by the proper department or division head and for the following purposes only:

(a) The making of refund of bail which has been exonerated or of other refundable deposits;

(b) The making of settlements with City funds at the end of each calendar month for collections accumulated during the month.

Petty cash  
funds

Petty Cash Funds. The City Council may provide for revolving petty cash funds, to be paid to the Administrative Officer or department or division heads and used for payment in cash of expenditures provided for in the budgets that cannot conveniently be paid otherwise.

Presentation  
of demands

Section 1115. Presentation of Demands. Any demand against the City must be in writing and may be in the form of a bill, invoice, payroll, or formal demand. Each such demand shall be presented to the Finance Officer, who shall examine the same. If the amount thereof is legally due and there remains on his books an unexhausted balance of an appropriation against which the same may be charged, he shall approve such demand and draw his warrant on the City Treasury therefor, payable out of the proper fund. Objections of the Finance Officer may be overruled by the City Council and the warrant ordered drawn.

The Finance Officer shall transmit such demand, with his approval or rejection thereof endorsed thereon, and warrant, if any, to the Administrative Officer. If a demand is one for an item included within an approved budget appropriation, it shall require the approval of the Administrative Officer, otherwise it shall require the approval of the City Council, following the adoption by it of an amendment to the budget authorizing such payment. Any person dissatisfied with the refusal of the Administrative Officer to approve any demand, in whole or in part, may present the same to the City Council, which, after examining into the matter may approve or disapprove the demand in whole or in part.

Registering  
warrants

Section 1116. Registering Warrants. Warrants on the City Treasury which are not paid for lack of funds shall be registered. All registered warrants shall be paid in the order of their registration when funds therefor are available and shall bear interest from date of registration at such rate as shall be fixed by the City Council by resolution.

Actions  
against city

Section 1117. Actions Against City. No suit shall be brought on any claim for money or damages against the City or any board, or officer thereof until a demand for the same has been presented as herein provided and rejected in whole or in part. If rejected in part, suit may be brought to recover the whole. Except in those cases where a shorter time is otherwise

provided by law, all claims for damages against the City must be presented to the Finance Officer within ninety days after the occurrence, event or transaction from which the damages allegedly arose, and shall set forth in detail the name and address of the claimant, the time, date, place and circumstances of the occurrence and the extent of the injuries or damages received; all other claims or demands shall be presented within ninety days after the last item of the account or claim accrued.

In all cases such claims shall be approved or rejected in writing by order of the City Council and the date thereof given. Failure to complete the action approving or rejecting any claim or demand within sixty days from the day the same is filed with the Finance Officer shall be deemed a rejection thereof.

Section 1118. Independent Audit. The City Council shall employ, at the beginning of each fiscal year, a qualified accountant who, as such time or times as may be specified by the City Council, shall examine the books, records, inventories and reports of all officers and employees who receive, handle or disburse public funds and all such other officers, employees or departments as the City Council may direct. As soon as practicable after the end of the fiscal year, a final audit and report shall be submitted by such accountant to the City Council, one copy thereof to be distributed to each member, one to the Administrative Officer, Finance Officer and City Attorney, respectively, and three additional copies to be placed on file in the office of the City Clerk where they shall be available for inspection by the general public. Independent  
audit

## Article XII

### Board of Education

Section 1200. Number and Term. There shall be a Board of Education which shall consist of five members elected from the School District at large, at the times and in the manner in this Charter provided, and who shall serve a term of four years and until their successors are elected and qualified. Members of the Board of Education shall receive no compensation for their services as such. Board  
Number and  
term

Section 1201. First Board Under Charter. Notwithstanding the provisions of the foregoing section, the members of the Board of Education of the existing Chula Vista Union School District holding office when this Charter takes effect shall serve on the Board of Education provided for herein until their successors shall be elected and qualified under this Charter. First board

At the first general municipal election under this Charter, to be held on the second Tuesday in April, 1950, there shall be no regular election of members of the Board of Education. At the second general municipal election under this Charter to be held on the second Tuesday in April, 1952, five members of the Board of Education shall be elected, the three candidates elected by the highest number of votes shall serve for the full term of four years and until their successors are elected and qualified,



and the remaining two elected at said election shall serve for the term of two years and until their successors are elected and qualified. Thereafter, at each general municipal election either three or two members of said Board, as the case may be, shall be elected to fill the vacancies caused by the expiration of such terms.

Eligibility

Section 1202. Eligibility. No person shall be eligible to hold office as a member of the Board of Education unless he shall be a qualified elector of the territory comprising the School District and shall have been a resident thereof for at least one year next preceding the date of his election or appointment.

Vacancies

Section 1203. Vacancies. A vacancy in the Board of Education from whatever cause arising shall be filled by appointment by the Board of Education, such appointee to hold office until the next general municipal election and until his successor is elected and qualified. At the next general municipal election following any vacancy, a new member shall be elected to serve for the remaining period of any unexpired term.

If a member of the Board of Education absents himself from all regular meetings of the Board for a period of sixty days, consecutively, unless by permission of the Board expressed in its official minutes, or is convicted of a crime involving moral turpitude, or ceases to be an elector of the School District, his office shall become vacant and shall be so declared by the Board of Education.

### Article XIII

#### City Court

City court

Section 1300. City Court. A City Court is hereby established in the City to be presided over by the City Judge of said City. The jurisdiction of the City Court shall be the same as is now or may hereafter be provided by law for the Justice's Court, exercising jurisdiction within the City, and shall include all actions and proceedings arising within the corporate limits of the City and which might be tried in such Justice's Court.

The City Court shall have jurisdiction of all actions, both civil and criminal, for violation of this Charter or of any ordinance of the City.

The rules of practice in said City Court shall be the same as are now, or may hereafter be, prescribed by law for such Justice's Court in like cases. Appeals may be taken to the Superior Court of the County of San Diego, in like manner as in cases of appeals from such Justice's Court. In the event the system of Justice's Courts shall be succeeded by a new system of courts inferior to the Superior Courts then such criminal jurisdiction and rules of practice of the City Court shall be the same as shall be prescribed by law for such new system of inferior courts.

### Article XIV

#### Franchises

Granting of  
franchises

Section 1400. Granting of Franchises. Any person, firm or corporation furnishing the City or its inhabitants with trans-

portation, communication, terminal facilities, water, light, heat, gas, power, refrigeration, storage or any other public utility or service, or using the public streets, ways, alleys, or places for the operation of plants, works, or equipment for the furnishing thereof or traversing any portion of the City, for the transmitting or conveying of any such service elsewhere, may be required by ordinance to have valid and existing franchises therefor. The City Council is empowered to grant such franchise to any person, firm or corporation, whether operating under an existing franchise or not. The City Council may prescribe the terms and conditions of any such grant. It may also provide, by procedural ordinance, the method of procedure and additional terms and conditions of such grants, or the making thereof, subject to the provisions of this Charter.

Nothing in this Section, or elsewhere in this Article, shall apply to the City, or any department thereof, when furnishing any such utility or service.

Section 1401. Resolution of Intention. Notice and Public Hearing. Before granting any franchise, the City Council shall pass a resolution declaring its intention to grant the same, stating the name of the proposed grantee, the character of the franchise and the terms and conditions upon which it is proposed to be granted. Such resolution shall fix and set forth the day, hour and place when and where any persons having any interest therein or any objection to the granting thereof may appear before the City Council and be heard thereon. It shall direct the City Clerk to publish said resolution at least once, within fifteen days of the passage thereof, in the official newspaper. Said notice shall be published at least ten days prior to the date of hearing.

Resolution  
of intention  
Notice and  
public  
hearing

At the time set for the hearing the City Council shall proceed to hear and pass upon all protests and its decision thereon shall be final and conclusive. Thereafter, it may grant, or deny, the franchise on the terms and conditions specified in the resolution of intention to grant the same, subject to the right of referendum of the people. If the City Council shall determine that changes should be made in the terms and conditions upon which the franchise is proposed to be granted, a new resolution of intention shall be adopted and like proceedings had thereon.

Section 1402. Term of Franchise. Every franchise, other than an indeterminate franchise, shall state the term for which it is granted, which shall not exceed twenty-five years.

Term of  
franchise

A franchise grant may be indeterminate, that is to say, it may provide that it shall endure in full force and effect until the same, with the consent of the Public Utilities Commission of the State of California, shall be voluntarily surrendered or abandoned by its possessor, or until the State of California, or some municipal or public corporation, thereunto duly authorized by law, shall purchase, or shall condemn and take under the power of eminent domain, all property actually used and useful in the exercise of such franchise and situate within the territorial limits of the State, municipal or public corporation purchasing

or condemning such property, or until the franchise shall be forfeited for noncompliance with its terms by the possessor thereof.

Other  
franchises

Section 1403. Grant to be in Lieu of all Other Franchises. Any franchise granted by the City hereunder with respect to any given utility service shall be in lieu of all other franchises, rights or privileges owned by the grantee, or by any successor of the grantee to any right under such franchise granted hereunder, for the rendering of such utility service within the limits of the City as they now or may hereafter exist, except any franchise derived under Section 19 of Article XI of the Constitution of California as said section existed prior to the amendment thereof adopted October 10, 1911. The acceptance of any franchise hereunder, shall operate as an abandonment of all such other franchises, rights and privileges within the limits of the City as such limits shall at any time exist.

Any franchise granted hereunder shall not become effective until written acceptance thereof shall have been filed by the grantee thereof with the City Clerk. Such acceptance shall be filed within ten days after the adoption of the ordinance granting the franchise, or any extension thereof granted by the City Council, and when so filed, such acceptance shall constitute a continuing agreement of such grantee that if and when the City shall thereafter annex, or consolidate with, additional territory, any and all franchises, rights and privileges owned by the grantee therein, except a franchise derived under said constitutional provision, shall likewise be deemed to be abandoned within the limits of such territory. No grant of any franchise may be transferred or assigned by the grantee except by consent in writing of the City Council and unless the transferee or assignees thereof shall covenant and agree to perform and be bound by each and all of the terms and conditions imposed in the grant or by procedural ordinance and by this Charter.

Eminent  
domain

Section 1404. Eminent Domain. No franchise grant shall in any way, or to any extent, impair or affect the right of the City to acquire the property of the grantee thereof either by purchase or through the exercise of the right of eminent domain, and nothing therein contained shall be construed to contract away or to modify or to abridge, either for a term or in perpetuity, the City's right of eminent domain with respect to any public utility.

Duties of  
grantees

Section 1405. Duties of Grantees. By its acceptance of any franchise hereunder, the grantee shall covenant and agree to perform and be bound by each and all of the terms and conditions imposed in the grant, or by procedural ordinance and shall further agree to:

(a) Comply with all lawful ordinances, rules and regulations theretofore or thereafter adopted by the City Council in the exercise of its police power governing the construction, maintenance and operation of its plants, works or equipment;

(b) Pay to the City on demand the cost of all repairs to public property made necessary by any of the operations of the grantee under such franchise;

(c) Indemnify and hold harmless the City and its officers from any and all liability for damages proximately resulting from any operations under such franchise;

(d) Remove and relocate without expense to the City any facilities installed, used and maintained under the franchise if and when made necessary by any lawful change of grade, alignment or width of any public street, way, alley, or place, including the construction of any subway or viaduct, or if the public health, comfort, welfare, convenience, or safety so demands; and

(e) Pay to the City during the life of the franchise a percentage to be specified in the grant of the gross annual receipts of the grantee within the limits of the City, or such other compensation as the City Council may prescribe in the grant.

Section 1406. Exercising Rights Without Franchise. Acting without franchise  
The exercise by any person, firm or corporation of any privilege for which a franchise is required, without possessing a valid and existing franchise therefor, shall be a misdemeanor and shall be punishable in the same manner as violations of this Charter are punishable and each day that such condition continues to exist shall constitute a separate violation.

Article XV

Miscellaneous

Section 1500. Definitions. Unless the provision or the Definitions context otherwise requires, as used in this Charter :

(a) "Shall" is mandatory, and "may" is permissive.

(b) "City" is the City of Chula Vista and "department", "board", "commission", "agency", "officer", or "employee", is a department, board, commission, agency, officer or employee, as the case may be, of the City of Chula Vista.

(c) "County" is the County of San Diego.

(d) "State" is the State of California.

Section 1501. Violations. Violations  
The violation of any provision of this Charter shall be deemed a misdemeanor and be punishable upon conviction by a fine of not exceeding Five Hundred Dollars or by imprisonment for a term of not exceeding six months or by both such fine and imprisonment.

Section 1502. Validity. Validity  
If any provision of this Charter, or the application thereof to any person or circumstance is held invalid, the remainder of the Charter, and the application of such provision to other persons or circumstances, shall not be affected thereby.

We do further certify and declare that the foregoing constitutes a full, true, and correct statement of the actions and proceedings had by the City of Chula Vista and the City Council of said City, in the matter of the framing, proposal, and submission of said proposed charter for the government of the

City of Chula Vista, and in the calling, voting upon, and canvassing the returns and declaring the result of said election.

IN WITNESS WHEREOF, We have hereunto set our hands and hereto affixed the seal of said City of Chula Vista, this 15th day of November, 1949.

LORENZ C. KOESTER  
Mayor of the City of Chula Vista,  
California.

ATTEST:  
HERBERT V. BRYANT  
City Clerk of the City of Chula  
Vista, California.

(SEAL)

WHEREAS, The said charter as ratified as hereinbefore set forth, has been and now is duly presented and submitted to the Legislature of the State of California for approval, or rejection, as a whole without power of alteration or amendment in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Approval

*Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all members elected to each house voting therefor and concurring therein, That said charter of the City of Chula Vista, as presented to, and adopted, and ratified, by the electors of said city and as hereinbefore fully set forth, be, and the same is hereby approved as a whole, without amendment or alteration, as and for the charter of the City of Chula Vista.*

## CHAPTER 10

*Senate Concurrent Resolution No. 5—Approving amendments to the charter of the City of Stockton, State of California: ratified by the qualified electors thereof, at a general municipal election held therein on Tuesday, October 11, 1949.*

[Filed with Secretary of State December 19, 1949.]

City of  
Stockton  
Charter  
amendments

WHEREAS, The City of Stockton in the County of San Joaquin, State of California, contains a population of over 65,000 as ascertained by the last preceding census taken under the authority of the Congress of the United States, and has been ever since July 2, 1923, and now is, organized and acting under a freeholders charter adopted under and by virtue of Section 8, Article XI of the Constitution of the State of California, which charter was duly ratified by a majority of the electors of said city at a special election held for that purpose on the twenty-eighth day of November, 1922, and approved by the Senate of the State of California on January 22, 1923, and by the Assembly of the State of California on January 24, 1923, and filed with the Secretary of State on January 29, 1923, which said freeholders charter is printed in full in Chapter 7 of concurrent and joint resolutions and constitutional amendments passed at the Regular Session of the Forty-fifth Legislature of

the State of California and found in Statutes of 1923 at page 1321 and following; and

WHEREAS, Proceedings have been had for the adoption and ratification of certain amendments to the charter of the City of Stockton as set out in the certificate of the mayor and city clerk of the City of Stockton, to wit:

CERTIFICATE OF THE ADOPTION BY THE QUALIFIED ELECTORS OF THE CITY OF STOCKTON AT A GENERAL MUNICIPAL ELECTION HELD THEREIN ON THE 11TH DAY OF OCTOBER, 1949, OF CERTAIN AMENDMENTS TO THE CHARTER OF THE CITY OF STOCKTON, STATE OF CALIFORNIA.

STATE OF CALIFORNIA,  
COUNTY OF SAN JOAQUIN, } ss.  
CITY OF STOCKTON,

We, Dan W. Morrison, Mayor of the city of Stockton, and B. L. Trahern, city clerk of the city of Stockton, do hereby certify as follows: Certificate

That the said city of Stockton in the County of San Joaquin, State of California, is now and at all of the times mentioned herein was a city containing a population of more than sixty-five thousand inhabitants, as ascertained by the last preceding census taken under the authority of the congress of the United States; and

That said city of Stockton is now and at all of the times herein mentioned was organized and existing under a freeholders charter adopted pursuant to the provisions of section 8, Article XI of the constitution of the State of California, which charter was duly ratified by a majority of the electors of said city at a special election held therein on the twenty-eighth day of November, 1922, and approved by the Legislature of the State of California on the twenty-fourth day of January, 1923 (Stat. 1923, page 1321), and filed with the secretary of state of the State of California on January 29, 1923; and

That pursuant to section 8 of article XI of the constitution of the State of California, the legislative body of said city, i.e., the city council of said city, did on its own motion and pursuant to the provisions of said article and section of the constitution of the State of California duly proposed to the electors of the city of Stockton certain proposals for the amendment of the charter of said city to be voted upon by said qualified electors at a certain general municipal election held on October 11th, 1949, which said proposals were designated as Proposed Charter Amendments numbered 1 to 25, inclusive; and

That said proposed charter amendments were, on the 30th day of August, 1949, duly published in each issue of the Stockton Daily Record, a daily newspaper published and circulated in the city of Stockton and the official newspaper of said city, said paper having been designated for said purpose by the said city council; and

That said city council did, by Resolution No. 16,723, adopted on September 19th, 1949, fix October 11th, 1949, the date of the general municipal election in Stockton, as the date of the election on said proposed charter amendments.

That said proposed charter amendments were printed in convenient pamphlet form and in type of not less than ten-point, and that the clerk of the city of Stockton caused copies of said proposed charter amendments to be mailed, postage prepaid, to each of the qualified electors of the city of Stockton, said mailing having been commenced not more than forty nor less than fifteen days before the day fixed for election, to-wit, October 11th, 1949, and said mailing having been completed at least ten whole days before said election.

That the city clerk of the city of Stockton did, commencing August 30th, 1949, and continuing through October 11th, 1949, the date of the election, advertise in the Stockton Daily Record, a newspaper of general circulation in said city, and the official newspaper for said city, a notice that copies of said proposed charter amendments might be had upon application at the office of the said city clerk.

That said general municipal election was held in the said city of Stockton on the eleventh day of October, 1949, which said day was not less than forty, nor more than sixty days after the completion of the advertising of said proposed charter amendments in the Stockton Daily Record, the official newspaper of the city of Stockton, as hereinabove stated;

That at such general municipal election held as aforesaid on said eleventh day of October, 1949, a majority of the qualified voters of said city of Stockton voting thereon voted in favor of twenty-two of said proposed amendments to the charter of the city of Stockton and duly ratified the same;

That said proposed amendments to the charter of the city of Stockton as aforesaid were and are amendments numbered 2, 3, 4, 5, 6, 7, 8, 9, 10, 12, 13, 14, 16, 17, 18, 19, 20, 21, 22, 23, 24 and 25;

That all other amendments received less than the majority of the votes of the qualified voters voting thereon and were rejected;

That the city council of said city of Stockton after duly and regularly canvassing the returns of said municipal election at the time and in the manner and form prescribed by law duly found, determined and declared that a majority of the qualified voters of the city of Stockton voting thereon had voted for and ratified the proposed amendments to the charter of the city of Stockton numbered 2, 3, 4, 5, 6, 7, 8, 9, 10, 12, 13, 14, 16, 17, 18, 19, 20, 21, 22, 23, 24 and 25;

That a majority of the qualified voters of the city of Stockton voting thereon had voted against and rejected proposed amendments to the charter of the city of Stockton known as amendments numbered 1, 11 and 15;

That said proposed amendments to the charter of the city of Stockton ratified by the electors of said city, as aforesaid, are in the words and figures as follows, to-wit:

CHARTER AMENDMENT No. 2.

That Section 1 of Article XXIII be amended to read as follows:

Sec. 1. The erection, improvement, and repair of all public buildings and works, all street and sewer work (not payable by special assessment on the private property benefited) and all work in or about streams or water fronts, or in or about embankments or other works for protection against overflow or erosion, and the furnishing of supplies and materials for the same, or for any other use by the city, or the purchase of any supplies to be used by the city, when the expenditures required for the same equals or exceeds the sum of three thousand dollars (\$3,000.00) shall be done by contract in writing and shall be let to the lowest responsible bidder after advertising at least once in the official newspaper for sealed proposals for the work contemplated or supplies to be furnished except in cases of emergency as in this charter provided. Such notice shall distinctly and specifically state the work contemplated or supplies to be furnished; provided, however, the council may reject any and all bids, and in that event, or in the event that no bids are made, may readvertise for bids, or provide for the work to be done by the city, or for the supplies to be purchased in the open market, but in no case shall supplies be bought at a price as high as the lowest bid received from a responsible bidder.

CHARTER AMENDMENT No. 3.

That Section 14 of Article XXIV be amended to read as follows:

Sec. 14. Not later than twenty days before the day of the election, the city clerk shall enter the names of the candidates nominated as hereinbefore provided in a list, with the offices to be filled, and shall certify such list to the city council as being the list of candidates nominated as required by the City of Stockton; and the city council shall cause said certified list of names, and the offices to be filled, to be published in the proclamation calling the election, at least once before the day of the election, in the official newspaper of the city. Said proclamation shall conform in all respects to the general law of the State of California governing the conduct of municipal elections, now or hereafter in force, except as herein required.

CHARTER AMENDMENT No. 4.

That Section 1 of Article VII be amended to read as follows:

Sec. 1. Every officer or employee of the city, except as otherwise in this charter provided, must be a citizen of the

Public works  
contracts

List of  
candidates

Officers and  
employees  
Qualifications



United States and have resided in the city of Stockton not less than one year preceding his election or appointment. Every officer or employee of the city must live in the city of Stockton or on city-owned or rented property during his term of office or employment. In case of flood, fire, or other public calamity, the city manager may employ on city work persons other than citizens or residents. The provisions of this section regarding residence before employment or office shall not apply in the case of the city manager or of professionally trained experts.

CHARTER AMENDMENT No. 5.

That Section 2 of Article VII be amended to read as follows:

Prohibited  
activities

Sec. 2. No person shall be elected or appointed to any office, position, or employment, the compensation of which was increased or fixed by the city council while said person was a member thereof, until after the expiration of one year from the date when he ceased to be a member of the city council. No councilman or city manager shall be interested directly or indirectly in any contract or transaction with the city or any department, board, officer, or employee thereof acting in his official capacity, nor become surety for the performance of any contract made with or for the city upon bonds given to the city. No other officer or employee of the city shall be interested in any contract or transaction made by him in his official capacity, or by any body or board of which he is a member, or by any of his subordinates nor become surety for the performance of any contract made with or for the city upon bonds given to the city. No officer, clerk, assistant, or employee shall receive any commission, money, or thing of value, or derive any profit, benefit, or advantage, directly or indirectly, from or by reason of any dealings with or service for the city by himself or others, except his lawful compensation as such officer, clerk, assistant, or employee. Any contract or transaction made in violation of the provisions of this section may be voided at the election of the City Council. Any wilful violation of the provisions of this section by any city officer or employee shall work the forfeiture of such office or employment.

CHARTER AMENDMENT No. 6.

That Section 28 of Article XXII be amended to read as follows:

Assessment  
roll

Sec. 28. On or before the first Monday in December or at such date in each year as may be fixed by the council, the auditor shall complete the assessment roll, and shall prepare a certificate of completion and deliver it to the City Clerk who shall thereupon notify the board of equalization of the fact. The assessment roll, the books and maps accompanying the same, and all the original lists of property given to the Auditor, shall be kept in the office of the Auditor for public inspection. If

the auditor fails to complete and file the assessment roll as hereinabove prescribed, then the previous year's valuation shall be arbitrarily used and adopted.

CHARTER AMENDMENT No. 7.

That Section 43 of Article V be amended to read as follows:

Sec. 43. To provide for the sale or trade-in at public auction, or private sale, of personal property of the value of \$500 or more, unfit or unnecessary for the use of the city. Notice of such sale or trade-in shall be authorized by resolution and given by posting in the same manner as required for ordinances. The council shall by resolution, not less than five (5) days after the posting, approve the sale or trade-in after receipt of a report from the City Manager of all offers. Personal property of value of less than \$500 may be sold or traded in by the City Manager who shall report such transactions to the City Council within one week of completion.

Disposition  
of personal  
property

CHARTER AMENDMENT No. 8.

That Section 33 of Article XXIX be amended to read as follows:

Sec. 33. Permits revocable at the will of the city council for minor or temporary public utility privileges may be granted and revoked by the city council from time to time in accordance with the terms and conditions to be prescribed by the ordinance granting the same, and such revocable permit shall not be deemed to be a franchise, permit or privilege as the term is used in this charter.

Revocable  
permits

CHARTER AMENDMENT No. 9.

That Article II of the Charter of the City of Stockton be, and the same is hereby amended by adding a new section thereto to be designated Section 2.1, which said Section reads as follows:

Sec. 2.1. In addition to the permissive redistricting of Article II, Section 2, the Council shall redistrict the City by resolution every eight (8) years into nine districts making the same as nearly equal in population and geographically compact as possible, provided that the redistricting shall not be arranged so as to place an incumbent councilman outside of his district and shall not be performed within six months previous to any general municipal election. In estimating population for the purpose of redistricting under this section or Article II, Section 2, the council shall depend primarily on the registration list of voters at the close of registration for the last preceding presidential election. Redistricting under this section shall take place in 1950 and every eight (8) years thereafter.

Redistricting

## CHARTER AMENDMENT No. 10.

That Section 7 of Article VI be amended to read as follows:

Compensation:  
City council

Section 7-1. Each member of the City Council shall receive the sum of fifteen (\$15.00) dollars for each council meeting attended; provided, that the total compensation of each member shall not exceed the sum of seventy-five (\$75.00) dollars in any one month.

School directors

Section 7-2. The school directors shall receive no salary or compensation.

Police judge

Section 7-3(a). The police judge shall receive a salary of seven thousand two hundred (\$7,200.00) dollars per annum, except as hereinafter provided. The city council may, by ordinance, change the amount of the salary to be received by the police judge for any term after the current term now being served, provided, that such ordinance so changing the salary must be finally adopted at least six months prior to the beginning of such term. Until the salary is changed, the police judge shall receive the salary hereinabove specified.

(b). That until the expiration of the time for which the provisions of Sec. 5 of Art. XI of the Constitution of California, prohibiting the increase of compensation of any county, township or municipal officer, during his term of office, has been, or shall be, suspended by the legislature of California, the provision of this Charter requiring an ordinance changing the amount of salary to be paid to the police judge to be finally adopted at least six months prior to the beginning of the term of office of such judge, is likewise suspended and the city council may, at any time during said period of suspension, by resolution, change the salary of such police judge.

(c) The police judge, during his term of office, shall not engage in private practice of law but shall devote his full working time to the duties of said office.

## CHARTER AMENDMENT No. 12.

That Section 27 of Article XXII be amended to read as follows:

## Annual Budget

Annual budget

Section 27. Not later than the first Monday of November of each year, or such date as may be fixed by the council, the city manager shall prepare and submit to the council a budget for the ensuing year or fiscal period, based upon detailed estimates furnished by the several departments and other divisions of the city government, according to a classification as nearly uniform as possible. The budget shall present the following information: (a) An itemized statement of the appropriations recommended by the city manager for current expenses and for permanent improvements for each department and each division thereof for the ensuing fiscal year or fiscal period, with comparative statements in parallel columns of the appro-

priations and expenditures for the current and next preceding fiscal year, and the increases or decreases in the appropriations recommended; (b) An itemized statement of the taxes required and of the estimated revenue of the city from all other sources for the ensuing fiscal year or fiscal period, with comparative statements in parallel columns of the taxes and other revenues for the current and next preceding fiscal year, and of the increases and decreases estimated or proposed; (c) A statement of the financial conditions of the city; and (d) Such other information as may be required by the council. The budget as adopted shall itemize purposes of expenditure by departments, activities, functions, and character classes in not less detail than "personal services," "contractual services," "commodities" and "capital outlays," and as adopted shall constitute an appropriation for the purposes stated of the sums therein set forth as appropriation and authorization of the amount to be raised by taxation for the purposes of the city, provided that the total amount appropriated shall not in any event exceed the total revenues estimated to be realized in cash during such year or fiscal period, plus any unencumbered balances from previous years. The council may at any time after the submission of said budget by the city manager, and before the adoption of the ordinance making the tax levy, adopt said budget as submitted or may modify, alter or change the amount of the appropriation allotted for current expenses, or the amount of the appropriation allotted for permanent improvements for any department or division of the city government, or the amount of the appropriation allotted for any other purpose. If said budget be not modified, altered, or changed as in this section provided, the budget as submitted by the city manager shall be deemed to have been adopted by the city council.

#### CHARTER AMENDMENT No. 13.

That Section 34 of Article XXII be amended to read as follows:

##### Depositing of City Money in Banks

Section 34. The council shall have the power to avail itself by ordinance of any law of the State of California now, or hereafter in force, whereby any or all money belonging to the city may be deposited in any national bank or banks within the state, or any bank or banks organized under the laws of the state, in such manner, and under such conditions as may be provided by law; provided further that such depository bank or banks be selected from those agreeing to pay the highest rate of interest for such deposit as may be determined by bids to be submitted at such times and in such manner as the treasurer may direct; and provided further that such deposit shall not exceed the paid-up capital, exclusive of reserve and surplus, of any such depository bank; and provided further that not more than twenty per cent of the public moneys shall be deposited in

Deposit of  
money

any one bank while there are other qualified banks in the city requesting such deposits; and provided also that no public moneys shall be deposited in any bank outside of the city while there are other qualified banks within the city requesting such deposits on the same terms and conditions.

#### CHARTER AMENDMENT No. 14.

That the Charter of the City of Stockton be amended by adding a new article thereto, to be designated Article XXXIII, and to read as follows:

#### Article XXXIII

Revenue  
bonds

Notwithstanding the provisions of this Charter the City or any agency thereof, or created therefor, may issue revenue bonds and operate the facilities acquired thereunder under the provisions of any State of California law or laws pertaining to revenue bonds. Any provisions of this Charter to the contrary are to be disregarded.

#### CHARTER AMENDMENT No. 16.

That Section 32-2 of Article XXXII be amended to read as follows:

#### Employees Subject to Civil Service

Fire depart-  
ment and  
police de-  
partment  
employees

Sec. 32-2. Classified service of the City of Stockton shall include all employees of the fire department and the police department of said city, including the chief of each department, providing the police chief shall be appointed and hold office as specified elsewhere in this act. Except as hereinafter expressly provided, all appointments and promotions in the fire department and/or the police department of the City of Stockton, shall be made solely on merit, efficiency and fitness, which shall be ascertained by open, competitive examination and impartial investigation. In the case of original appointment oral interviews to count not more than 25% of the total score may be used, and in the case of promotional appointments efficiency reports and performance ratings may be utilized to count not more than 25% of the total score, in-service training credit within the department or at schools approved by the civil service commission to count not more than 10% of the total score and seniority credit to count not more than 5% of the total score may be utilized at the discretion of the Civil Service Commission. No person shall be appointed to, reinstated in, or transferred, suspended, demoted or discharged from any such office, place, position or employment, contrary to the provisions of this act. Promotion shall be made only to the next higher rank in the service and no grade shall be skipped except in the case of the selection of the chief of each department.

## CHARTER AMENDMENT No. 17

That Section 32-4 of Article XXXII be amended to read as follows:

## Functions and Duties of the Civil Service Commission

Sec. 32-4. Immediately after appointment the commission shall organize, by electing one of its members chairman and hold regular meetings at least once every sixty days, and may hold such additional meetings as may be required in the proper discharge of their duties. The civil service commission shall appoint either the City Clerk of the City of Stockton, or one of the deputies in the office of the City Clerk to be secretary of the Civil Service Board. The commission may designate the secretary to be chief examiner for the board or one of the deputies in the office of the City Clerk or the commission may designate one of their own members or any duly qualified person to act as chief examiner. The commission may designate any competent person or agency as chief examiner for any particular examination or examinations, or part of said examination or examinations. The secretary and/or chief examiner of the civil service commission may be subject to suspension or discharge at the discretion of the commission. The secretary of the commission shall keep the records of the commission, preserve all reports made to it, keep a record of all examinations held under its direction and perform such other duties as the commission may prescribe. It shall be the duty of the civil service commission:

(a) To make suitable rules and regulations not inconsistent with the provisions of this act. Such rules and regulations shall provide in detail the manner in which examinations may be held and appointments, promotions, transfers, reinstatements, demotions, suspensions and discharges shall be made, and may also provide for any other matters connected with the general subject of personnel administration and which may be considered desirable to further carry out the general purposes of this act or which may be found to be in the interest of good personnel administration. Such rules and regulations may be changed from time to time. The rules and regulations and any amendments thereof shall be printed or mimeographed or multi-graphed for free public distribution.

(b) All written tests shall be practical and shall consist only of subjects which will fairly determine the capacity of persons examined to perform duties of the position to which appointment or promotion is to be made.

(c) The rules and regulations adopted by the commission shall provide for a credit of five per cent in favor of all applicants for appointment or employment under civil service, who, in time of war, or in any expedition of the armed forces of the United States, have served in and been honorably discharged from the armed forces of the United States, including the army,

navy and marine corps and the American Red Cross. These credits shall apply to entrance examinations only.

(d) The commission may make investigations concerning and report upon all matters touching the enforcement and effect of the provisions of this act and the rules and regulations prescribed hereunder; inspect all institutions, departments, offices, places, positions and employments affected by this act and ascertain whether this act and all such rules and regulations are being obeyed. Such investigation may be made by the commission or by any commissioner designated by the commission for that purpose. Not only must these investigations be made by the commission as aforesaid, but the commission must make like investigations upon petition of a citizen who is an elector of the City of Stockton, duly verified, stating that irregularities or abuses exist or setting forth in concise language in writing the necessity for such investigation. In the course of all investigations or hearings before the commission the commission or designated commissioner or chief examiner shall have the power to administer oaths, subpoena and require the attendance of witnesses and the production by them of books, papers, documents and accounts appertaining to the investigation or hearing and also to cause the deposition of witnesses residing within or without the State to be taken in the manner prescribed by law for like depositions in civil actions in the Superior Courts of the State of California and the oaths administered hereunder and the subpoenas issued hereunder shall have the same force and effect as the oaths administered by a Superior Court Judge of California in his judicial capacity; and failure upon the part of any person so subpoenaed to comply with the provisions of this section shall be deemed a violation of this act and punishable as such.

(e) Hearings and Investigations; How Conducted. All hearings and investigations before the commission, or designated commissioner or chief examiner, shall be governed by this act and by rules of practice and procedure to be adopted by the commission, and in the conduct thereof neither the commission nor designated commissioner or chief examiner shall be bound by the technical rules of evidence. No informality in any proceedings or hearing or in the manner of taking testimony before the commission or designated commissioner or chief examiner shall invalidate any order, decision, rule or regulation made, approved or confirmed by the commission; provided, however, that no order, decision, rule or regulation made by any designated commissioner conducting any hearing or investigation alone shall be of any force or effect whatsoever unless and until concurred in by at least one of the other two members.

(f) To hear and determine appeals or complaints respecting the administrative work of the Personnel Department, appeals upon the allocation of positions, suspension, demotion or discharge of members, the rejection of an examination and such other matters as may be referred to the Commission.

(g) Establish and maintain in card or other suitable form, a roster of all officers and employees.

(h) Provide for, formulate and hold competitive tests to determine the relative qualifications of persons who seek employment in any class or position, and as a result thereof with other permissible factors, establish eligible lists for the various classes of positions and to provide that men laid off because of curtailment of expenditures, reductions in force and for like causes, head the list in the order of their seniority to the end that they shall be the first to be reemployed.

(i) When a vacant position is to be filled, to certify to the appointing authority, on written request, the name, or names, of the person, or persons, of the appropriate number highest on the eligible list for the class. If there are no such lists, to authorize provisional or temporary appointment list for such class. Such temporary or provisional appointment shall not continue for a period longer than four months; nor shall any person receive more than one provisional appointment or serve more than four months as a provisional appointee in any one fiscal year.

(j) Within sixty days after the date of the taking effect of this act, the commission shall classify all offices, places, positions and employments and adopt rules and regulations to carry out the purposes and provisions of this act. Within ninety days after the date of the taking effect of this act, the commission shall hold examinations for the filling of all offices, places, positions and employments not filled by persons adopted or inducted into civil service as hereinafter provided. As soon as such examinations have been held and the eligible candidates have been ascertained, it shall be the duty of the commission to certify to the appointing officer of the City, within ninety days after the taking of the test, the names and addresses of all such eligible candidates upon the roster as may be available for such offices, places, positions or appointments as are not then filled by persons adopted and inducted into civil service as hereinafter provided, and it shall be the duty of the appointing officer of the City to make selections and appointments from the lists so certified. Any person carried on the eligible list for a period of three years without being appointed or promoted, shall be dropped from said eligible list and shall thereafter not be eligible for appointment or promotion without re-examination.

(k) Keep such records as may be necessary for the proper administration of this act.

#### CHARTER AMENDMENT No. 18.

That Section 32-6 of Article XXXII be amended to read as follows:

#### Applications

Sec. 32-6. (a) Citizenship. An applicant for a position in the police and fire department under civil service must be a

Applica-  
tions Quali-  
fications



citizen of the United States of America who can read and write the English language. An applicant for original appointment list of eligibles must have been a resident within the city limits of the City of Stockton one (1) year last past continuously prior to the date of the examination for the position for which he is applying.

(b) Foreign Born. Any applicant for a position of any kind under this act who is of foreign birth is hereby required to furnish satisfactory proof to the commission that he is a naturalized citizen of the United States of America and can read and write the English language.

(c) Character and Fitness. An applicant for a position of any kind under civil service in the police and fire departments shall be not less than 21 years nor more than 29 years on the date of his appointment.

In addition to the above, all applicants must pass a satisfactory physical medical examination, be of good moral character and of temperate and industrious habits. These facts to be ascertained in such manner as the commission may deem advisable. The commission may require a prerequisite educational background for eligibility for examination, a minimum intelligence quotient of not higher than 110, and not lower than 95, and a minimum of agility to be determined by an agility test. The I.Q. Test to be used is to be comparable to the revised edition of the Army Alpha with the test selected by the chief examiner.

#### CHARTER AMENDMENT No. 19.

That Section 32-7 of Article XXXII be amended to read as follows:

##### Establishment of Re-Employment List

Re-employment list

Section 32-7. When an employee in the classified service, who has been performing his duties in a satisfactory manner, as shown by the records of the department in which he has been employed, is laid off because of lack of funds or has been on authorized leave of absence and is ready to report for duty when a position is open the commission shall cause the name of such employee to be placed on the re-employment list for the appropriate class for re-employment within two years thereafter when vacancies occur. The order in which names shall be placed on the re-employment list for any class shall be established by rule. A permanent employee who has resigned in good standing may, with the recommendation of the chief of his department and the City Manager and the consent of the civil service commission, be restored to a re-employment list of the same class as his previous position within a period of one year from the effective date of his resignation.

#### CHARTER AMENDMENT No. 20

That Section 32-8 of Article XXXII be amended to read as follows:

## Establishment of Employment Lists

Sec. 32-8. (a) The chief examiner shall provide examinations in accordance with this act and the regulations of the commission. Such examinations shall be public, competitive, and open to all persons who may be lawfully appointed to any position within the class for which such examinations are held, with limitations specified by this act, or in the rules of the commission as to residence, health, habits, moral conduct and prerequisite qualifications to perform the duties of such position. Employment  
lists

(b) In examining applicants for original appointment list of eligibles, to the extent authorized by resolution of the civil service commission, the chief examiner or his commission authorized representatives may use oral examinations provided that the score on such oral examinations shall not comprise more than 25% of the applicant's aggregate score. In such oral examinations the applicant may be examined on performance, education, training, experience, maturity of judgment, personality, aptitude and suitability for the position and response to interview.

(c) In examining or ranking applicants for promotional appointment list of eligibles, to the extent authorized by resolution of the civil service commission, the chief examiner or his commission authorized representatives may permit efficiency reports and performance ratings compiled by the department at regular intervals during applicant's employment in existing rank to count not more than 25% of the applicant's aggregate score, may permit in-service training credit received in the department or in specialized courses out of the department to count not more than 10% of applicant's aggregate score and may permit seniority credit to count not more than 5% of applicant's aggregate score which shall comprise not more than 40% of applicant's aggregate score. Whatever rule is established by the civil service commission to cover the percentage credit to be given to efficiency reports, or performance ratings, or in-service training credits or seniority credits shall apply to all examinations given in the affected department for at least one year after the adoption of the rule. Promotional examinations shall be competitive and open only to persons appointed or inducted into the service under the provisions of this act.

(d) All written tests shall be practical and shall consist only of subjects which fairly determine the capacity of the persons examined to perform the duties of the position to which appointment is to be made. No credit shall be allowed for service rendered under a temporary appointment. No question in any test shall relate to religious or political opinions or affiliations. No questions which are misleading or unfair or in the nature of catch questions shall be asked. As many tests shall be held as may be necessary to provide eligibles for each class or position and to meet all requisites and to fill all positions held by temporary appointees. From the return and report of the chief examiner or examiners based on written tests and other factors

to be considered as provided in Section 32-8 (b) and (c) the civil service commission shall establish a list of eligibles for each grade of the persons who shall attain such minimum score or scores as may be fixed by the rules of the commission and who may be lawfully appointed. Such persons shall take rank upon the list in the order of their relative excellence as determined by the tests and other factors named above, without reference to priority of time of tests.

(e) The markings and test papers of each candidate shall be open to his own inspection. The markings and test papers of all persons upon the list of eligibles shall be open to inspection by the chief of the police department and chief of the fire department and the appointive officer of the City and shall also be open to public inspection in the discretion of the civil service commission. An error in the marking of any test other than an error of judgment, if called to the attention of the commission within one month after the posting of an employment list resulting from such test, shall be corrected by it; alleged errors of judgment in the marking of any test if called to the attention of the commission within one month after the posting of an employment list resulting from such test shall be considered by the commission and may be corrected by it; provided, however, that such corrections shall not invalidate any certification or employment previously made. Notice of the time, place and general scope of every test and of the duties, pay and experience advantageous or requisite for positions in the grade for which the test is to be held, shall be given by the commission by posting such notice in three public places in the City of Stockton, one of which shall be in the office of the commission, which said notice shall be posted for not less than two weeks prior to such examination. Such further notice shall be given as the commission may prescribe.

(f) All members of the fire department with not less than twelve months' service in said department are to be considered as eligible for the rank of hoseman, truckman, tillerman, fire alarm operator, chief's operator, engineer, mechanic, driver or inspector and all members of said department with not less than five years' service in said department to be considered as eligible for the rank of captain and all members of said department who have held such last named rank for at least three years last past continuously to be considered as eligible for the rank of second assistant fire chief and all members of said department who have held such last named rank to be considered as eligible for the rank of first assistant fire chief. All members of said department with the rank of first assistant fire chief and/or second assistant fire chief, who have held such rank for at least six months last past continuously, to be considered as eligible for the office of fire chief.

(g) All members of the police department with not less than twelve months' service to be considered as eligible for the rank of patrolman; all members of the police department with not less than five years' service to be considered as eligible for

the rank of corporal, patrol sergeant, desk sergeant or detective and all persons of said department who have held such previous rank last named for at least two years last past continuously to be considered as eligible for the rank of lieutenant and all members of said department who have held such last named rank to be considered as eligible for the rank of police captain. All members of said department above the rank of patrolman are to be considered as eligible for the rank of police chief.

(h) All promotions shall be made only to the next higher grade in the service and no grade shall be skipped, excepting in the case of appointment of the fire chief and in the case of the appointment of the police chief.

#### CHARTER AMENDMENT No. 21.

That Section 32-9 of Article XXXII be amended to read as follows:

#### Appointments to Vacant Positions, Certification from Lists

Sec. 32-9. Whenever a position in the classified service of the police or fire department becomes vacant, the appointive officer, if it desires to fill the vacancy, shall make requisition upon the commission for the name and address of a person eligible for appointment thereto. The commission shall certify the name of the person highest on the eligible list from the class to which the vacant position has been allocated, who is willing to accept employment except in the case of appointing a police captain and first assistant fire chief. If there is no appropriate eligible list for the class the commission shall certify the name of the person standing highest on said list held appropriate for such class. If more than one vacancy is to be filled an additional name shall be certified for each additional vacancy. On original appointment the appointing power shall appoint such persons to such vacant position on probation. On promotional appointments the appointing power shall appoint persons to such vacant position and not on probation. Whenever a position of police captain or first assistant fire chief becomes vacant, the appointive officer, if it desires to fill the vacancy, shall make requisition upon the commission for the names of persons eligible for appointment thereto. The commission shall certify the three names at the top of the eligible list for such class or, in the event of two or more vacancies in the same class, the commission shall certify two names more than the number of vacancies. If insufficient names are available to meet this requirement, the appointing authority may request additional certification, whereupon the civil service commission shall schedule and conduct an examination to provide the number of eligibles required. Any one of the names so certified may be appointed to the vacancy regardless of standing on the eligible list and not on probation.

Whenever requisition is to be made, or whenever a position is held by a temporary appointee and an eligible list for

Vacancies  
Appoint-  
ments

the class of such position exists, the commission shall forthwith certify the name of the person eligible for appointment to the appointing power and said appointing power shall forthwith appoint the person so certified, to said position. No person so certified shall be laid off, suspended, given leave of absence from duty, transferred or reduced in pay or grade, except for reasons which will promote the good of the service, specified in writing after an opportunity to be heard by the commission, and then only with its consent and approval.

Appointments shall be regarded as taking effect upon the date when the person certified for appointment reports to duty. A person tendered certification may waive or refuse certification in writing for a period for reasons satisfactory to the commission and such waiver or refusal shall not affect the standing or rights to certification to the first vacancy in the class occurring after the expiration of such period. If no such waiver or refusal has been filed and the period therefor has expired and the person tendered certification fails to report for duty forthwith after tender of certification has been made, his name may, at the discretion of the commission, be stricken from all lists for such class. Acceptance or refusal of temporary appointment or of an appointment to a position exempt from the provisions of this list shall not affect the standing of any person on the list for permanent appointment.

#### CHARTER AMENDMENT NO. 22.

That Section 32-17 of Article XXXII be amended to read as follows:

#### Suspension

Suspension

Sec. 32-17. The appointing authority may suspend any member of the fire department or police department of the City of Stockton, for cause, for a reasonable period, not exceeding 60 work days at any one time, with loss of salary or other compensation. The appointing authority shall not be authorized to suspend the same person for a total of more than 90 work days during any one fiscal year. No such suspension shall be made except upon written charges made by the appointing officer and served upon the accused and filed with the commission, with the privilege of serving upon the appointing authority a written answer and explanation of such charges and filing a copy of the same with the commission.

Any person so suspended may, within ten days from the time of his suspension, file with the commission a written demand for an investigation, whereupon the commission shall conduct such investigation. The investigation shall be confined to the determination of the question of whether such suspension was or was not made for political or religious reasons and was or was not made in good faith for cause.

The hearing under this section shall be conducted by the commission in the same manner as the hearing upon demotion

set forth in Section 32-18 hereof and the commission, upon such hearing and investigation, may affirm said suspension or if it shall find that the suspension was made for political or religious reasons or was not made in good faith for cause, shall order that the suspension be revoked and set aside. The decision of the commission shall be final and there shall be no appeal therefrom. The findings of the commission shall be certified in writing to the appointing power and shall be forthwith enforced by such officer.

#### CHARTER AMENDMENT NO. 23.

That Section 32-23 of Article XXXII be amended to read as follows:

##### Sick Leave

Sec. 32-23. (a) When a member of either the fire department or police department becomes sick and/or disabled to such an extent as to render him unable and unfit to properly perform his required duties in his said department, he shall report the fact, or cause the same to be properly reported to the chief of his department. The chief of his department shall promptly investigate the same and if he deems it necessary, grant the member a leave of absence on account of sickness and/or disability. Sick leave

(b) All members of either the fire department and/or police department who may be granted leaves of absence on account of sickness and/or disability must file with the chief of his department once each week, or oftener at the discretion of the chief of his department, a certificate from a regularly certified physician, clearly specifying the character and nature of such sickness or disability. No member of either of said departments who shall be off duty, with pay, on account of sickness or disability, shall, in any case, be granted a leave of absence for a period exceeding sixty days, without special written permission of the appointing officer.

(c) Any man in the fire or police departments of the City of Stockton may be required to take a physical examination from the city physician when in the opinion of the City Manager such examination is necessary. Upon warning by the city physician it shall be the duty of the employee to correct remediable physical deficiencies or conditions within a reasonable time or incur disciplinary action. If the physical examination discloses that the employee is no longer fit for duty, he shall be removed from the department subject, of course, to disability retirement payments if eligible thereto. In the event that the city physician finds either that the employee has a remediable physical deficiency or condition or that he is no longer fit for duty, the employee shall have recourse if he so desires to the civil service commission, provided that the employee must request a hearing from the commission in writing within 15 days of the time that written notice of the finding above men-

tioned is served upon him. The civil service commission shall receive medical evidence from the city physician and from physicians chosen by the employee and from such other physicians as desired by the commission. The civil service commission shall make a full inquiry into the accuracies of the finding above mentioned and shall make its own findings and decision thereon. Appeal from such findings and decision may be taken by the employee to the Superior Court of San Joaquin County.

CHARTER AMENDMENT No. 24.

That Section 32-27 of Article XXXII be amended to read as follows:

Tour of  
duty

Section 32-27. No officer or member of said department, without his consent, shall be required to be on duty more than twenty-four consecutive hours, excepting in cases of conflagration, flood or similar emergency. The City Council may provide that each period of twenty-four hours be divided into one, two or three tours of duty provided that no man shall be required, without his written consent, to work more than 3536 hours per year.

CHARTER AMENDMENT No. 25.

That Section 32-29 of Article XXXII be amended to read as follows:

Police de-  
partment:  
organization

Sec. 32-29. The police department of the City of Stockton shall consist of a chief of the department, one or more captains of police, one or more captains of detectives, lieutenants, detectives, patrol sergeants or sergeants, corporals, patrolmen, and such other officers, employees, clerks, or attaches as the legislative body of the city may from time to time prescribe.

We further certify that we have compared the text of the foregoing amendments with the original proposals submitting the same to the electors of said city and find that the foregoing are full, true, correct, complete and exact copies thereof, and of each of them.

That as to all said amendments this certificate shall be taken as a full and complete certification of the regularity of all proceedings had and done in connection therewith.

IN WITNESS WHEREOF, Dan W. Morrison, Mayor of the City of Stockton, and B. L. Trahern, City Clerk, as aforesaid, have hereunto set their hands and caused the corporate seal of the City of Stockton to be thereunto affixed on this 13th day of December, 1949.

DAN W. MORRISON  
Mayor of the City of Stockton  
B. L. TRAHERN  
City Clerk of the City of Stockton

WHEREAS, Said proposed amendments to the charter of the City of Stockton ratified by the electors of said city, as aforesaid, have been, and are now duly presented and submitted to

the Legislature of the State of California for approval or rejection as a whole without alteration or amendment in accordance with Section 8 of Article XI of the Constitution of the State of California; now therefore, be it

*Resolved by the Senate of the State of California, the* <sup>Approval</sup>  
*Assembly concurring,* A majority of all the members elected to each house voting therefor and concurring therein, That said amendments to the charter of the City of Stockton ratified by the electors of said city as aforesaid after being presented to, adopted and ratified by the qualified electors of said City of Stockton as hereinbefore fully set forth be and the same are hereby approved as a whole without amendment or alteration as amendments to and a part of the charter of the City of Stockton.

## CHAPTER 11

### *Senate Concurrent Resolution No. 1—Relative to Joint Rules of the Senate and Assembly.*

[Filed with Secretary of State December 19, 1949.]

*Resolved by the Senate of the State of California, the* <sup>Joint rules</sup>  
*Assembly thereof concurring,* That the following Rules be adopted as the Joint Rules of the Senate and Assembly for the First Extraordinary Session of the California Legislature, for the year 1949.

## JOINT RULES OF THE SENATE AND ASSEMBLY

### COMMITTEES AND COMMITTEE MEETINGS

#### Standing Committees

1. Each house shall appoint such standing committees as <sup>Standing committees</sup> the business of the house may require, the committees, the number of members and the manner of selection to be determined by the Rules of each house.

#### Joint Committees

2. The Rules Committees of each house shall constitute the <sup>Joint committees</sup> Joint Standing Committee on Joint Rules of the Senate and the Assembly.

#### Joint Meeting of Committees

3. Whenever any bill has been referred by the Senate to one of its committees, and the same or a like bill has been referred by the Assembly to one of its committees, the chairmen of the respective committees, when in their judgment the interests of legislation or the expedition of business will be better served thereby, shall arrange for a joint meeting of their <sup>Joint meeting of committees</sup> committees for the consideration of such bill.



### Effect of Adoption of Joint Rules

Effect of  
adoption of  
joint rules

3.5. The adoption of the Joint Rules for any budget session or extraordinary session shall not be construed as modifying or rescinding the Joint Rules of the Senate and Assembly for the preceding general session, nor as affecting in any way the statutes or powers of the interim committees created by those rules.

### BILLS AND RESOLUTIONS

#### Definition of Word Bill

“Bill”

4. Whenever the word “bill” is used in these Rules, it shall include constitutional amendments, concurrent and joint resolutions.

#### Concurrent and Joint Resolutions

Concurrent  
and joint  
resolutions

5. Concurrent resolutions relate to matters to be treated by both houses of the Legislature.

Joint resolutions are those which relate to matters connected with the Federal Government.

#### Resolutions Treated as Bills

Resolutions,  
etc., as bills

6. Constitutional amendments, concurrent and joint resolutions shall be treated in all respects as bills; except that they shall be given only one formal reading in each house and that they shall not be deemed bills within the meaning of Section 2 of Article IV of the Constitution, and shall not be referred to the Committee on Introduction of Bills, and shall not require a vote to authorize their introduction, and except as provided in Rule 24. As in the case of bills, they shall be engrossed in the house in which they originate before being voted upon.

### PREPARATION AND INTRODUCTION OF BILLS

#### Title of Bill

Title

7. The title of every bill introduced shall convey an accurate idea of the contents of the bill and shall be indicative of the scope of the act and the object to be accomplished. In amending a code section, the mere reference to the section by number shall not be deemed sufficient.

#### Division of Bill Into Sections

Sections

8. A bill amending more than one section of an existing law shall contain a separate section for each section amended.

Bills which are not amendatory of existing laws shall be divided into short sections, where this can be done without destroying the sense of any particular section, to the end that future amendments may be made without the necessity of setting forth and repeating sections of unnecessary length.

### Restrictions as to Amendments

9. A substitute or amendment must relate to the same subject as the original bill, constitutional amendment or resolution under consideration. Amendments

#### Changes in Existing Law to Be Marked by Author

10. In a bill amending a code section or a general law, any new matter shall be underlined and any matter to be omitted shall be in type bearing a horizontal line through the center and commonly known as "strikeout" type. When printed the new matter shall be printed in italics, and the matter to be omitted shall be printed in "strikeout" type. "Strikeout" and italic type

In any amendment to a bill which sets out for the first time a section being amended, any new matter to be added and any matter to be omitted shall be indicated by the author and shall be printed in the same manner as though the section as amended were a part of the original bill and was being printed for the first time.

#### Printing of Amendments

11. All bills amended by either house shall be immediately reprinted; in the case new matter is added by the amendment such new matter shall be printed in italics in the printed bill, and in the case of matter being omitted, the matter to be omitted shall be printed in strikeout type. When a bill is amended in either house, the first or previous markings shall be omitted. Printing of amendments

#### Printing and Distribution of Bills— Manner of Printing Bills

12. The State Printer shall observe the following directions in printing all bills, constitutional amendments, concurrent and joint resolutions: Printing of bills

(a) The body of such bills shall be printed in solid unspaced form in 10-point roman type so that the same type shall be used both before and after enrollment. Concurrent resolutions approving city or county charters or amendments thereto may be set in smaller type.

(b) All titles of bills shall be set in italics, statute form and the length of the lines used in the titles shall not exceed that of the body of the bill.

(c) The lines of all printed bills shall be numbered by page and not by sections, and amendments shall be identified by reference to title, page and line only.

#### Distribution of Legislative Publications

13. All requests for mailing or distribution of bills and legislative publications shall be filed with the Secretary of the Senate or the Chief Clerk of the Assembly. Each Member of the Legislative publications: Distributions

Senate and Assembly shall be permitted to submit a list of 10 libraries, chambers of commerce or individuals. The Secretary of the Senate and the Chief Clerk of the Assembly shall order a sufficient number of bills and legislative publications to supply this list together with such number as may be necessary for legislative requirements.

Except as hereinabove provided, no complete list of bills shall be delivered except upon payment therefor of the sum of seventy-five dollars (\$75) at a general session or twenty-five dollars (\$25) at a budget session, nor shall more than two copies of bills or other legislative publications be distributed free to any person, office or organization except to Members of the Legislature, the Secretary of the Senate and the Chief Clerk of the Assembly for the proper functioning of their respective houses; the Legislative Counsel Bureau; Attorney General's Office; Secretary of State's Office; Controller's Office; Governor's Office; the Clerk of the Supreme Court; the clerk of the district court of appeal for each district; the Judicial Council; the State Library; the Library of Congress and to libraries of the University of California at Berkeley and at Los Angeles; and accredited members of the press. The State Printer shall fix the cost of such bills and publications, including postage, and such moneys as may be received by him shall, after deducting the cost of handling and mailing, be remitted on the first day of each month, one-half each to the Secretary of the Senate and the Chief Clerk of the Assembly for credit to legislative printing. Legislative publications heretofore distributed through the Bureau of Documents shall be distributed through the Bill Room. Unless otherwise provided for, the total number of each bill to be printed shall be not more than 2,500.

#### OTHER LEGISLATIVE PRINTING

##### Printing of the Daily Journal

**Journals:** 14. The State Printer shall print in such quantity as directed by the Secretary of the Senate and the Chief Clerk of the Assembly, copies of the Journal of each day's proceedings of each house. At the end of the session he shall also print, as directed by the Secretary of the Senate and the Chief Clerk of the Assembly a sufficient number of copies properly paged after being corrected and indexed by the Secretary of the Senate and the Chief Clerk of the Assembly, to bind in book form as the Journal of the respective houses of the Legislature.

##### What Shall Be Printed in the Journal

**Contents** 15. The following shall always be printed in the Journal of each house:

(a) Messages from the Governor and messages from the other house, and the titles of all bills, joint and concurrent resolutions and constitutional amendments when introduced in, offered to, or acted upon by the house.

(b) Every vote taken in the house, and a statement of the contents of each petition, memorial or paper presented to the house.

(c) A true and accurate account of the proceedings of the house, when not acting as a Committee of the Whole.

#### Printing of the Daily File

16. A daily File of bills ready for consideration shall be Daily file printed each legislative day for each house.

The material to be printed in the File and the form and arrangement shall be determined by the respective houses.

#### Printing of History

17. Each house shall cause to be printed once each week, History during the session, a complete History of all bills, constitutional amendments, concurrent, joint and house resolutions originating in or acted upon by the respective houses. A regular form shall be prescribed by the Secretary of the Senate and the Chief Clerk of the Assembly. Such History shall show the action taken upon each measure up to and including the legislative day preceding its issuance. For each legislative day intervening there shall be printed a Supplementary History showing the action taken upon any measure since the issuance of the complete History.

Immediately following the adjournment for the constitutional recess, the History shall be compiled and printed to date of recess by the Secretary of the Senate and the Chief Clerk of the Assembly.

#### Authority for Printing Orders

18. The State Printer shall not print for use of either house Printing orders nor charge to legislative printing any matter other than provided by law or by the Rules, except upon a written order signed by the Secretary of the Senate or the Chief Clerk of the Assembly. The Secretary of the Senate and the Chief Clerk of the Assembly may, when necessity requires it, order certain matter printed in advance of the regular order, by the issuance of a rush order.

The Secretary of the Senate and the Chief Clerk of the Assembly are hereby authorized and directed between sessions to order and distribute for the members stationery and legislative publications for which there is a demand, and, subject to the Rules of their respective houses, to approve the bills covering such orders. All bills for printing must be presented by the State Printer within thirty days after the completion of said printing.

#### RECORD OF BILLS

##### Secretary and Chief Clerk to Keep Records

19. The Secretary of the Senate and the Chief Clerk of the Records of bills Assembly shall keep a complete and accurate record of every action taken by the Senate and Assembly on every bill.

### Secretary and Chief Clerk Shall Endorse Bills

**Endorsement** 20. The Secretary of the Senate and the Chief Clerk of the Assembly shall endorse on every original or engrossed bill a statement of any action taken by the Senate or Assembly concerning such bill.

### ACTION IN ONE HOUSE ON BILL TRANSMITTED FROM THE OTHER

#### After a Bill Has Been Passed by the Senate or Assembly

**Bills from other house** 21. When a bill has been passed by either house it shall be transmitted promptly to the other unless a motion to reconsider or a notice of motion to reconsider has been made or it is held pursuant to some rule or order of the house.

The procedure of referring bills to committees shall be determined by the respective houses.

#### Messages to Be in Writing Under Proper Signatures

**Messages** 22. Notice of the action of either house to the other shall be in writing and under the signature of the Secretary of the Senate or the Chief Clerk of the Assembly from which such message is to be conveyed. A receipt shall be taken from the officer to whom such message is delivered.

### PASSAGE AND ENROLLING OF BILLS

#### Enrollment of Bill After Passage

**Enrollment** 24. After a bill has passed both houses it shall be printed in enrolled form, omitting symbols indicating amendments, and shall be compared by the Engrossing and Enrolling Clerk and the proper committee of the house where it originated to determine that it is in the form approved by the houses. The enrolled bill shall thereupon be signed by the presiding officers of both houses and the Secretary of the Senate and Chief Clerk of the Assembly and presented without delay to the Governor. The committee shall report the time of presentation of the bill to the Governor to the house and the record shall be entered in the Journal. After enrollment and signature by the officers of the Legislature, constitutional amendments, concurrent and joint resolutions shall be filed without delay in the office of the Secretary of State and the time of filing shall be reported to the house and the record entered in the Journal.

### AMENDMENTS AND CONFERENCES

#### Amendments to Amended Bills Must Be Attached

**Amendments** 25. Whenever a bill or resolution which shall have been passed in one house shall be amended in the other, it shall immediately be reprinted as amended by the house making such

amendment or amendments. Such amendment or amendments shall be attached to the bill or resolution so amended, and endorsed "adopted" and such amendment or amendments, if concurred in by the house in which such bill or resolution originated, shall be endorsed "concurred in," and such endorsement shall be signed by the Secretary or Assistant Secretary of the Senate, or the Chief Clerk or Assistant Clerk of the Assembly as the case may be; provided, however, that an amendment to the title of a bill adopted after the passage of such bill shall not necessitate reprinting, but such amendment must be concurred in by the house in which such bill originated.

#### To Concur or Refuse to Concur in Amendments

26. In case the Senate amend and pass an Assembly bill, or the Assembly amend and pass a Senate bill, the Senate (if it be a Senate bill) or the Assembly (if it be an Assembly bill) must either "concur" or "refuse to concur" in the amendments. If the Senate concur (if it be a Senate bill), or the Assembly concur (if it be an Assembly bill), the Secretary or Chief Clerk shall notify the house making the amendments and the bill shall be ordered to enrollment. Concurrence  
in  
amendments

#### Concurring in Amendments Adding Urgency Section

27. When a bill which has been passed in one house is amended in the other by the addition of a section providing that the act shall take effect immediately as an urgency measure, and is returned to the house in which it originated for concurrence in the amendment or amendments thereto, the procedure and vote thereon shall be as follows: Same  
Urgency  
section

The presiding officer shall first direct that the urgency section be read and put to a vote. If two-thirds of the members elected to the house vote in the affirmative the presiding officer shall then direct that the question of whether the house shall concur in the amendment or amendments shall be put to a vote. If two-thirds of all the members elected to the house vote in the affirmative, concurrence in the amendments shall be effective.

If the affirmative vote on either of such questions is less than two-thirds of all the members elected to such house, the effect is a refusal to concur in the amendment or amendments, and the procedure thereupon shall be as provided in Joint Rule No. 28.

#### When Senate or Assembly Refuse to Concur

28. If the Senate or the Assembly refuse to concur in the amendments, the Committee on Rules (if it be a Senate bill) or the Speaker of the Assembly (if it be an Assembly bill) shall appoint a Committee of Three (3) on Conference and the Secretary or the Chief Clerk shall immediately notify the other house of the action taken and request the appointment of a like committee. Two of the members comprising such committee from each house shall be selected from those voting with the majority on the point about which the difference has arisen, and the other Conference  
committees

member from each house of such committee shall be selected from the minority, in the event there is a minority vote. The first Senator named on the Conference Committee shall act as chairman of the committee from the Senate, and the first Assemblyman named on such committee shall act as chairman of the committee from the Assembly and the chairman thus selected shall arrange the time and place of all meetings and prepare or direct the preparation of reports. The Committee on Conference shall report to both the Senate and the Assembly.

#### Report of Committee on Conference

Reports

29. The report of the Committee on Conference shall not be subject to amendment, and if either house refuse to adopt such report the conferees may be discharged and other conferees appointed; provided, however, that no more than three different Conference Committees shall be appointed on any one bill.

It shall require the affirmative vote of not less than four of the members constituting the committee to agree upon a report. No member who has served on a Committee on Conference shall be appointed a member of another Committee on Conference on the same bill.

#### When Conference Committee Report Is in Order

Same · When  
in order

30. The presentation of the report of a Committee on Conference shall always be in order, except when a question of order or a motion to adjourn is pending, or during roll call, and, when received, the question of proceeding to the consideration of the report, if raised, shall be immediately passed upon, and shall be determined without debate.

### MISCELLANEOUS PROVISIONS

#### Authority When Rules Do Not Govern

Mason's  
Manual

31. All relations between the houses which are not covered by these Rules shall be governed by Mason's Manual.

#### Press Rules

Press rules

32. (a) Persons desiring privileges of accredited press representatives shall make application to the Speaker of the Assembly, as required by Rule 94 of Assembly Rules, and to the Committee on Rules of the Senate, as required by Rule 13 of Senate Rules; and shall state in writing the names of the daily newspapers or news associations by which they are employed, and what other occupation or employment they may have, if any; and they shall further declare that they are not employed, directly or indirectly, to assist in the prosecution of the legislative business of any person, corporation or association, and will not become so employed while retaining the privileges of accredited press representatives.

(b) The applications required by the above rule shall be authenticated in a manner that shall be satisfactory to the standing committee of the Capitol Correspondents Association which shall see that occupation of seats and desks in the Senate and the Assembly chambers is confined to bona fide correspondents of reputable standing in their business, who represent daily newspapers requiring a daily file of legislative news, or who represent news associations requiring daily telegraphic or radio service on legislative news. It shall be the duty of the standing committee at their discretion, to report violation of accredited press privileges to the Speaker of the Assembly, or to the Senate Committee on Rules, and pending action thereon the offending correspondent may be suspended by the standing committee.

(c) Persons engaged in other occupations whose chief attention is not given to newspaper correspondence or to newspaper associations requiring telegraphic service shall not be entitled to the privileges accorded accredited press representatives; and the press list in the Handbook of the California Legislature and the Senate and Assembly Histories shall be a list only of persons authenticated by the standing committee of correspondents.

(d) The press seats and desks in the Senate and Assembly Chambers shall be under the control of the standing committee of correspondents, subject to the approval and supervision of the Speaker of the Assembly and the Senate Committee on Rules. Press cards shall be issued by the President of the Senate and the Speaker of the Assembly only to correspondents properly accredited in accordance with the provisions of this rule.

(e) One or more rooms shall be assigned for the exclusive use of correspondents during the legislative session, which rooms shall be known as the Press Room. The Press Room shall be under the control of the Chief of the Bureau of Buildings and Grounds; provided, that all rules and regulations shall be approved by the Senate Committee on Rules and the Speaker of the Assembly.

### Dispensing With Joint Rules

33. No joint rule shall be dispensed with except by a vote of two-thirds of each house. If either house shall violate a joint rule a question of order may be raised in the other house and decided in the same manner as in the case of the violation of the Rules of such house; and if it shall be decided that the Joint Rules have been violated, the bill involving such violations shall be returned to the house in which it originated, and such disputed matter be considered in like manner as in Conference Committee.

Dispensing  
with rules

### Opinions of Legislative Counsel

34. Whenever the Legislative Counsel issues, to a person other than the author, an opinion as to the constitutionality, operation or effect of a pending bill, constitutional amendment, resolution or other legislative measure, he is hereby authorized

Legislative  
counsel  
Opinions



and instructed to deliver a copy of the opinion to the author of such measure contemporaneously with the issuance and delivery of the original opinion.

### Expense of Members

Expenses of  
members

35. As provided in Article IV of the Constitution, each member of the Legislature is allowed and reimbursed as the expenses necessarily incurred by him while attending regular and special and extraordinary sessions of the Legislature (including any recess of three days or less) an allowance equal to the per diem expense allowance authorized for other elected state officers at the time the expense is incurred.

Expense allowances for Members of the Senate and Assembly shall be approved and certified to the Controller by the Secretary of the Senate or the Chief Clerk of the Assembly respectively, weekly or as otherwise directed by either house, and a copy of the certificates shall be printed in Journals of the respective houses. Upon certification by the Secretary or the Chief Clerk the Controller shall draw his warrants in payment of the allowances to the respective members.

### Investigating Committees

Investigating  
committees

36. In order to expedite the work of the Legislature either house, or both houses jointly, may by resolution provide for the appointment of committees to ascertain facts and to make recommendations as to any subject within the scope of legislative regulation or control.

The resolution providing for the appointment of a committee shall state the purpose of the committee, and the scope of the subject concerning which it is to act and may authorize it to act either during sessions of the Legislature or, when such authorization may lawfully be made, after final adjournment.

In the exercise of the power granted by this rule, each committee may appoint a secretary and adopt and amend such rules governing its procedure (including the fixing of its own quorum and the number of votes necessary to take action on any matter) as may appear necessary and proper to carry out the powers granted and duties imposed under this rule. It may employ such clerical, legal and technical assistants as may appear necessary.

Each such committee is authorized and empowered to summon and subpoena witnesses, require the production of papers, books, accounts, reports, documents, records and papers of every kind and description, to issue subpoenas and to take all necessary means to compel the attendance of witnesses and to procure testimony, oral and documentary.

Each member of such committees is authorized and empowered to administer oaths, and all of the provisions of Chapter 4, Part 1, Division 2, Title 2 of the Government Code, relating to the attendance and examination of witnesses before the

Legislature and the committees thereof, shall apply to such committees.

The Sergeant-at-Arms of the Senate or Assembly, or such other person as may be designated by the chairman of the committee, shall serve any and all subpoenas, orders and other process that may be issued by the committee, when directed to do so by the chairman or by a majority of the membership of the committee.

Every department, commission, board, agency, officer and employee of the State Government, including the Legislative Counsel and the Attorney General and their subordinates, and of every political subdivision, county, city, or public district of or in this State, shall give and furnish to these committees and to their subcommittees upon request such information, records and documents as the committees deem necessary or proper for the achievement of the purposes for which each such committee was created.

Each such committee may meet at any time during the period in which it is authorized to act, even though the Legislature is in session, either, at the State Capitol or at any other place in the State of California, in public or executive session, and do any and all things necessary or convenient to enable it to exercise the powers and perform the duties herein granted to it or to accomplish the objects and purposes of the resolution creating it. Each such committee may expend such money as may be made available to it for such purpose; but no committee shall incur any indebtedness unless money shall have been first made available therefor.

Members shall not be entitled to any salary because of membership on any such committee but shall be allowed mileage at the rate of seven cents (\$0.07) per mile each way incurred in connection with their services upon the committee and actual and necessary expenses for living accommodations and meals incurred in connection with their services upon the committee, or in lieu of such expenses for accommodations and meals, an allowance of fifteen dollars (\$15) per day. No expenses for accommodations or meals or any allowance in lieu thereof shall be allowed for a day when the member is entitled to reimbursement for expenses under Joint Rule No. 35. The chairman of each committee shall audit and approve the expense claims of the members of the committee and shall certify the amount approved to the Controller, and the Controller shall draw his warrants upon the certification of the chairman.

The chairman of any such committee may appoint subcommittees and chairman thereof for the purpose of more expeditiously handling and considering matters referred to it, and such subcommittees and the chairman thereof shall have all the powers and authority herein conferred upon the committee and its chairman. The chairman of such subcommittee shall audit the expense claims of the members of such subcommittees and other claims and the expenses incurred by it and shall certify the amount thereof to the chairman of the committee who shall, if

he approves the same, certify the amount thereof to the Controller, and the Controller shall draw his warrant therefor upon such certification, and the Treasurer shall pay the same. Whenever such committee or any subcommittee thereof is authorized to leave the State of California in the performance of its duties, then such committee or subcommittee shall, while out of the State, have the same authority as if it were acting and functioning within the State, and the members thereof shall be entitled to receive the same expense allowances as if the committee were functioning within the State.

Notwithstanding any provision of this rule, if the standing rules of either house require that expense claims of members of committees be audited or approved, after approval of the committee chairman, by another agency of either house, the Controller shall draw his warrants only upon the certification of such other agency.

### Adjournment

Adjournment 38. Adjournment sine die shall be made only by concurrent resolution.

### Designating Legislative Sessions

Designating legislative sessions 39. Hereafter all regular sessions of the Legislature shall be designated by the year in which held, and all extraordinary sessions shall be designated in numerical order by the year in which convened.

## CHAPTER 12

*Assembly Concurrent Resolution No. 10—Approving the charter of the City of Modesto, County of Stanislaus, State of California, ratified by the qualified electors of said city at a special municipal election held therein on the eighth day of November, 1949.*

[Filed with Secretary of State December 20, 1949 ]

City of Modesto  
Charter  
approval

WHEREAS, The City of Modesto in the County of Stanislaus, has at all times mentioned herein been and now is a municipal corporation of the State of California containing a population of more than three thousand five hundred (3,500) and fewer than fifty thousand (50,000) inhabitants as ascertained by the last preceding census taken under the authority of Congress of the United States or of the Legislature of the State of California, and is now and has been ever since the first day of July, 1911, organized, existing and acting under a charter adopted under and by virtue of Section 8 of Article XI of the Constitution of the State of California, which charter was duly ratified by the qualified electors of said city at an election held for that purpose on the tenth day of September, 1910, and approved by the Legislature of the State of California on the thirty-first day of January, 1911; and

WHEREAS, Proceedings have been had in and taken by the said City of Modesto for the proposal, adoption and ratification of a new charter for the government of said City of Modesto, all as set forth in the following certificate of the mayor and city clerk, to wit:

AMENDED CERTIFICATE OF ADOPTION

STATE OF CALIFORNIA }  
COUNTY OF STANISLAUS } SS.  
CITY OF MODESTO }

We, the undersigned, Carl W. Shannon, Mayor of the City of Modesto, County of Stanislaus, State of California, and Rex E. Gaiffus, Clerk of said City, do hereby certify and declare as follows: Certificate

That said City of Modesto, County of Stanislaus, State of California, is now and at all times herein referred to was a City containing a population of more than three thousand, five hundred (3,500) inhabitants and fewer than fifty thousand (50,000) inhabitants as ascertained by the last preceding census taken under the authority of the Congress of the United States or of the Legislature of the State of California;

That on the 2nd day of November, 1948, at a municipal election duly and regularly held on that day in the said City of Modesto, under and in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, the electors of said City did duly choose and elect a Board of fifteen (15) Freeholders, the members of which were all electors of said City and eligible as candidates under said election to prepare a Charter for the Government of said City;

That the result of said election of Freeholders was duly declared by the Legislative Body of the City of Modesto on the 17th day of November, 1948, and said electors thereafter duly qualified as such Freeholders in accordance with law;

That pursuant to the provisions of the Constitution of the State of California, and within due and legal time pursuant to Section 8, Article XI of the Constitution of the State of California, the said Board of Freeholders did prepare and propose a Charter for the government of said City of Modesto, which said Charter was signed by a majority of the said Board of Freeholders and was filed in the office of the City Clerk of the said City of Modesto on the 30th day of August, 1949;

That the President of the Board of Freeholders at the time of the filing of said Charter orally requested the City Council to hold an election on the 8th day of November, 1949, and to submit the Charter to the electors of said City of Modesto on that date;

That thereupon the said City Council of said City of Modesto by resolution duly called and ordered the holding of a special municipal election to be held in said City of Modesto on the 8th day of November, 1949, and gave notice of the holding of such election as required by law; that at said election there was submitted to the qualified electors of the City of

Modesto the question whether said proposed Charter prepared and filed by said Board of Freeholders should be ratified and adopted as the Charter for the government of said City of Modesto;

That within fifteen (15) days after the filing of said Charter said City Council caused the same to be published once to-wit, on the 7th day of September, 1949, in the Modesto Bee, a daily newspaper of general circulation printed, published and circulated within the said City, it being the official newspaper of said City of Modesto and in all the editions thereof issued during said day of publication;

That said election was duly and regularly held on the 8th day of November, 1949, after compliance with all of the requirements of Section 8, Article XI of the Constitution of the State of California except that the date of the election upon the adoption of said Charter was determined in the manner hereinabove set forth and that at said election the majority of the qualified electors voting thereon voted in favor of said proposed Charter and for the ratification and adoption thereof, and that the returns of said election have been as provided by law duly and regularly canvassed and the said City Council has duly found, determined and declared that the majority of said electors voting thereon had voted in favor of said proposed Charter and for the ratification and adoption thereof, and that the same was adopted and ratified by more than a majority of the qualified voters of the City of Modesto voting thereon; that said Charter so prepared, proposed, filed and ratified as herein set forth together with the certificate and signatures of the members of the Board of Freeholders attached thereto is in words and figures as follows, to-wit:

## CHARTER

### PREPARED AND PROPOSED FOR THE CITY OF MODESTO

By the Board of Freeholders  
Elected on the Second Day  
of November, A.D. 1948.

Article	I—Name and Rights of the City.
Article	II—Boundaries.
Article	III—Powers of the City.
Article	IV—Elections.
Article	V—Elective Officers.
Article	VI—The Mayor.
Article	VII—The Council.
Article	VIII—Executive and Administrative Departments.
Article	IX—Finance and Taxation.
Article	X—Public Work and Supplies.
Article	XI—Franchises.

- Article XII—The Recall.
- Article XIII—The Initiative.
- Article XIV—The Referendum.
- Article XV—Police Court.
- Article XVI—Educational Department.
- Article XVII—Amendments.
- Article XVIII—Miscellaneous.

## Article I. Name and Rights of the City.

### Name of the City.

Section 1. The municipal corporation now existing and <sup>Name</sup> known as the City of Modesto shall remain and continue a body politic and corporate in name and in fact, by the name of the City of Modesto.

### Rights and Liabilities.

Section 2. The City of Modesto shall remain vested with, <sup>Rights and Liabilities</sup> and continue to have, hold, and enjoy, all property, rights of property and rights of action of every nature and description now pertaining to this municipality, and is hereby declared to be the successor of the same. It shall be subject to all the liabilities that now exist against this municipality. All ordinances of said City, not in conflict with this Charter, shall be continued in force until amended or repealed; and all proceedings providing for any public improvement pending and uncompleted shall be continued in accordance with the law under which such proceedings were commenced.

## Article II. Boundaries.

Section 3. The boundaries of the City of Modesto shall <sup>Boundaries</sup> continue as now established until changed by authorized law.

## Article III. Powers of the City.

Section 4. The City shall have the power to make and <sup>Powers</sup> enforce all laws and regulations in respect to municipal affairs, subject only to such restrictions and limitations as may be provided in this Charter, and in the Constitution of the State of California. It shall also have the power to exercise any and all rights, powers and privileges heretofore or hereafter established, granted or prescribed by any law of the State, by this Charter, or by other lawful authority, or which a municipal corporation might or could exercise under the Constitution of the State of California.

The enumeration in this Charter of any particular power shall not be held to be exclusive of, or any limitation upon, this general grant of power.

### Procedures.

Section 5. The City shall have the power and may act <sup>Procedures</sup> pursuant to procedure established by any law of the State,

unless a different procedure is established by this Charter, or by Ordinance.

#### Article IV. Elections.

**General elections** Section 6. General municipal elections for the filling of elective offices shall be held in said City on the second Tuesday in April in each odd numbered year, commencing with the year 1951.

**Special elections** Section 7. All other municipal elections that may be held by authority of this Charter, or of general law, or by Ordinance, shall be known as special municipal elections.

**Procedure** Section 8. Unless otherwise provided by Ordinances hereafter enacted, all elections shall be held in accordance with the provisions of the Elections Code of the State of California, as the same now exist or may hereafter be amended, for the holding of elections in cities of the sixth class, or such class as said city may hereafter fall into, insofar as the same are not in conflict with this Charter.

#### Article V. Elective Officers

**Elective officers** Section 9. The elective officers of the City of Modesto shall be a Mayor and six councilmen, and five members of the Board of Education.

**Council** The Council shall consist of the Mayor and six councilmen, each of whom, including the Mayor, shall have the right to vote on all questions coming before the Council.

#### Elected at Large.

**Mayor and councilmen:** Section 10. The Mayor and Councilmen shall be elected at the general municipal election on a general ticket from the City at large.

#### Eligibility of Mayor and Councilmen.

**Eligibility** Section 11. Each member of the City Council, and the Mayor, must have been a resident and qualified elector of the City of Modesto, or territory legally annexed thereto, for a period of not less than three years preceding his election to office, and in addition thereto, the Mayor must own real property in said City or Territory.

**Election** Section 12. In any election for the office of City Councilman, Mayor or member of the Board of Education, the candidates, equal in number to the persons to be elected, who shall receive the highest number of votes at such election shall be declared elected to such office. Primary elections for said offices are hereby abolished; the City Clerk shall draw lots to determine the winner in the event of a tie vote.

**Failure to qualify** Section 13. If a person elected fails to qualify, the office shall be filled as if there were a vacancy in such office as hereinafter provided.

Section 14. No informalities in conducting municipal elections shall invalidate the same, if they have been conducted fairly and in substantial conformity to the requirements of this Charter, and the laws of the State of California applicable thereto.

Informalities  
in election

#### Vacancy in Council.

Section 15. If a vacancy shall occur in the office of Mayor or Councilman, the Council shall forthwith appoint a person to fill such vacancy. Said appointee shall possess such qualifications for eligibility as are set forth in Section 11 of this Article and shall hold office until his successor is duly elected and qualified. Such successor shall be chosen at the next general municipal election, or at the first succeeding special municipal election called for any other purpose, or as otherwise provided in recall proceedings for the recall of an officer, which election shall not take place less than forty (40) days after such vacancy occurs.

Council  
Vacancy

Section 16. The Mayor shall hold office for a term of four years from and after the first Monday in May, after his election and until his successor is elected and qualified.

Mayor  
Term

#### President and Vice President.

Section 17. The Mayor shall be president of the Council, and shall preside at all its meetings when present. The Council shall elect one of its members to be vice president.

Council  
President  
and vice  
president

#### Councilmen's Term of Office.

Section 18. The Councilmen shall hold office for a term of four years from and after the first Monday in May after their election and until their successors are elected and qualified; provided, that two Councilmen shall be elected within three months after the effective date of this Charter. Of the two elected within said three months, the one receiving the greatest number of votes shall hold office until May 1st, 1953, and the one receiving the next largest number of votes shall hold office until May 1st, 1951, or until their successors are elected and qualified.

Terms of  
office

At each general municipal election after the first special municipal election held under this Charter, there shall be elected three councilmen and a mayor and at every alternate general municipal election thereafter three councilmen shall be elected.

#### Official Bonds.

Section 19. The Council shall fix the amount of the bonds and the methods of their approval to be required of appointive officers, that they are authorized to appoint.

Official  
bonds

The approval of the official bonds must be endorsed thereon and signed by the officer or officers approving the same. All bonds, except the Clerk's bond, which shall be filed with the Mayor, when approved, shall be filed with the City Clerk. All



the provisions of any law of this State, relating to official bonds, not inconsistent with this Charter, shall be complied with.

#### Oath of Office.

Oath of  
office

Section 20. Every officer of the City, before entering upon the duties of his office, shall take the oath of office as provided for in the Constitution of this State and shall file the same with the City Clerk. In addition every officer of the City, and every employee of said City, shall subscribe to an oath that he or she is not a member of any group, has never belonged to any group, nor will join any group or organization that has for its purpose the overthrow of the government of the United States of America.

#### Compensation of Mayor and Councilmen.

Compensa-  
tion

Section 21. The Mayor and Councilmen shall receive no compensation unless the electors by ordinance proposed and adopted in accordance with Section 91 or Section 92 of this Charter shall otherwise provide.

#### Administering Oaths. Subpoenas.

Oaths and  
affirmations

Issuance of  
subpoenas

Section 22. Every elective officer, every chief official and every member of any Board or Commission provided for in this Charter, or by ordinance, adopted according to the provisions of this Charter, shall have the power to administer oaths and affirmations, and every such Board or Commission shall have power to issue subpoenas, to compel by subpoena the production of books, papers and documents, and to take and hear testimony concerning any matter or thing pending before such Board or Commission. If any person so subpoenaed neglect or refuse to appear, or to produce any book, paper or document as required by such subpoena, or shall refuse to testify before any such Board or Commission, or to answer any question which a majority of such Board or Commission shall decide to be proper or pertinent, he shall be deemed in contempt, and any such Board or Commission shall have the power to take the proceedings in that behalf provided by the general laws of this State. The Chief of Police must, on request of any member of such Board or Commission, detail a police officer or police officers to serve such subpoena.

#### Article VI. The Mayor.

Mayor

Section 23. The Mayor shall preside at the meeting of the City Council and perform such other duties consistent with his office as may be imposed by the council or by vote of the people. He shall be entitled to vote but shall possess no veto power. He shall be recognized as the official head of the city for all ceremonial purposes, by the Courts for the purpose of serving civil processes and by the Governor for military purposes.

In time of public danger or emergency he may, with the consent of the Council, take command of the police, maintain order and enforce laws.

#### Mayor Pro Tempore.

Section 24. During the temporary absence or disability of the Mayor, the vice-president of the Council shall act as Mayor Pro Tempore. In case of the temporary absence or disability of both Mayor and the vice-president, the Council shall elect one of its members to be Mayor Pro Tempore. In case of vacancy in the office of Mayor, the vice-president of the Council shall act as Mayor until such vacancy can be filled as provided in this Charter.

Mayor pro  
tempore

#### Mayor's Duties.

Section 25. The Mayor is hereby charged with the duty to see that the City Manager shall perform his duties as hereinafter set forth.

Mayor.  
Duties

#### Mayor's Reports.

Section 26. The Mayor shall annually and from time to time give the Council information relative to the affairs of the City and recommend to its consideration such matters as he may deem expedient.

Reports

#### Mayor to Have City's Books Examined.

Section 27. The Mayor shall employ, for a stipulated compensation, at the beginning of each fiscal year, a certified public accountant, who shall examine, at least once a year, the books, records and reports of the Auditor and of all officers and employees who receive or disburse City moneys, and the books, records and reports of such other officers and departments as the Mayor may direct, and make triplicate reports thereof, and present one each to the Mayor and Auditor and file one with the City Clerk. Such accountant shall have unlimited privilege of investigation, to examine under oath or otherwise all officers, clerks and employees of the City, and every such officer, clerk and employee shall give all required assistance and information to such accountant, and submit to him for examination such books and papers of his office as may be requested, and failure to do so shall be deemed and held to be a forfeiture and abandonment of his office. The Council shall provide for the payment of the services of such accountant, and fix the time at which such report shall be made and filed.

Examination  
of books

#### Mayor to Exercise Other Powers

Section 28. The Mayor shall exercise such other powers and perform such other duties as may be prescribed by law or ordinance or by resolution of the Council.

Other  
powers

## Article VII. The Council

### The Council, the Governing Body.

Council.  
Powers

Section 29. All powers herein granted to and vested in the City of Modesto shall, except as herein otherwise provided, be exercised by a Council to be designated the Council of the City of Modesto. Said Council shall be the governing body of the City and, subject to the express limitation of this Charter, shall be vested with all powers of legislation in municipal affairs adequate to a complete system of local government consistent with the constitution of the state.

### Meetings of Council.

Meetings

Section 30. The Council shall, by ordinance, provide for the time and place of holding its meetings and the manner in which its special meetings may be called.

### Meetings to Be Public.

Same: Open  
to public

Section 31. All legislative sessions of the Council, whether regular or special, shall be open to the public.

### Quorum.

Quorum

Section 32. A majority of the Council shall constitute a quorum for the transaction of business, but a less number may adjourn from time to time and postpone the consideration of pending business in like manner.

### Rules of Proceeding.

Rules of  
Procedure

Section 33. The Council shall determine its own rules of procedure, may punish its members for disorderly conduct and compel their attendance at the Council meetings.

### Ordinances and Resolutions.

Ordinances  
and  
resolutions

Section 34. (1) The Council shall act only by ordinance or resolution.

### Ayes and Noes.

Record of  
vote

(2) The ayes and noes shall be taken upon the passage of all ordinances and resolutions and entered upon the journal of the proceedings of the Council. Upon the request of any member, the ayes and noes shall be taken and recorded on any vote. Every member, when present, must vote.

### Majority Vote of Council.

Majority  
vote

(3) No ordinance or resolution shall be passed or become effective without receiving the affirmative votes of at least four members of the Council.

### Title.

(4) Every ordinance shall be preceded by a brief title which shall indicate the subject and purport thereof. Ordinances:  
Title

### Enacting Clause of Ordinances.

(5) The ordaining clause of all ordinances adopted by the Council shall be, "The Council of the City of Modesto do ordain as follows," and the ordaining clause of all ordinances adopted in accordance with the provisions of Article XIII shall be, "The People of the City of Modesto do ordain as follows." Enacting  
clause

### Requirements of Ordinances.

(6) No ordinance shall be passed by the Council on the day of its introduction nor within five days thereafter nor at any other time than at a regular meeting, nor until its publication at least once in full in the official newspaper of the City of Modesto at least three days before its adoption; and in case of amendment being made thereto before the final adoption of the ordinance, it must in like manner be republished in full as amended at least one day before its adoption as amended. Require-  
ments

### Ordinance Required in Certain Cases.

(7) No action providing for any specific improvement or the appropriation or expenditure of any public money, except a sum not exceeding fifteen hundred dollars; for the appropriation, acquisition or sale of public property, except as herein provided, or for a lease for more than one year; for levying of any tax or assessment for the granting of any franchise; for establishing or changing fire limits, or for the imposing of any penalty, shall be taken except by ordinance, provided, that such exceptions shall be observed as may be provided for in cases when the Council takes action in pursuance of a general law of the state, including among such exceptions the expenditure of money or the acquisition of property as the result of the issuance and sale of municipal bonds. When  
required

### Reconsideration.

(8) When any ordinance is put upon its final passage and fails to pass, and a motion is made to reconsider, the vote upon such motion shall not be taken except at a meeting of the Council, held not less than one week after the meeting at which such motion was made. Reconside-  
ration

### Signing and Attesting.

(9) All ordinances shall be signed by the Mayor and attested by the City Clerk. Signing and  
attesting

### Revision and Amendment.

Printing in  
full

(10) No ordinance shall be revised, re-enacted or amended by reference to its title only; but the ordinance to be revised or re-enacted, or the section or sections thereof to be amended, or the new section or sections to be added thereto, shall be set forth and adopted in the method provided in this section for the adoption of ordinances.

### Repeal.

Repeal

(11) No ordinance nor section thereof shall be repealed except by ordinance adopted in the manner provided in this section.

### Record of City Ordinances.

Record

(12) A true and correct copy of all ordinances shall be kept and certified to by the City Clerk in a book marked "City Ordinances". Such record copy, with such certificate, or the original ordinance, shall be prima facie evidence of the contents of the ordinance and of the due passage and publication of the same, and shall be admissible as such in any court or proceeding. Such records shall not be filed in any case, but shall be returned to the custody of the City Clerk. Nothing herein contained shall be construed to prevent the proof of the passage and publication of an ordinance in the usual way.

### When Offices Become Vacant.

Vacancy in  
office

Section 35. An elective office becomes vacant when the incumbent thereof dies, resigns, is removed from office under recall proceedings as provided in Section 90, is adjudged insane, convicted of felony, or of an offense involving a violation of his official duties, or ceases to be a resident of the City, or neglects to qualify within the time prescribed by the provisions of this Charter, or shall have been absent from the State without leave for more than sixty consecutive days, or fails to attend the meetings of the body of which he is a member for a like period without being excused therefrom by said body, or ceases to own real property in the City of Modesto.

### Article VIII. Executive and Administrative Departments.

Executive  
and adminis-  
trative de-  
partments

Section 36. The Executive and Administrative powers, authority and duties of the City, not otherwise provided for, shall be distributed among and assigned to departments by the City Council upon the recommendation of the City Manager.

### The Chief Officials.

Chief  
officials

Section 37. The chief officials of the City shall be City Manager, City Clerk, and City Attorney. They shall be

appointed and may be removed by a majority vote of the Council, except in the case of the City Manager. Other officials of the City shall be designated by the Council upon recommendation of the City Manager and appointed by the City Manager.

#### Council to Assign Duties to the Departments.

Section 38. The Council shall determine and assign the duties of the departments whose heads it may appoint by the terms of this Charter; shall prescribe the powers and duties of the officers and employees in said departments and may make such rules and regulations in regard thereto as shall not be inconsistent with this Charter, and as may be necessary or proper for the efficient and economical conduct of the business of the City. Assignment of duties

#### Subordinate Officers and Employees.

Section 39. The Council shall have power by ordinance or by resolution to create and discontinue offices, deputyships, assistantships and employments in those departments wherein the City Council has the power of appointment as set forth in Section 37 hereof. In addition, upon the recommendation of the City Manager, the Council may create and discontinue any other office, deputyship, assistantship, or city employment subject to civil service rules applicable thereto; and, upon recommendation of said Manager, may consolidate and place in the charge of one officer the functions and duties of two or more such officers, save and except, that one person may not occupy the office of Auditor and Treasurer at the same time. other officers and employees

#### Compensation of Officers and Employees.

Section 40. The compensation of all City officers provided for by Section 37 of this Charter, except Library Trustees, who shall receive no remuneration, shall be by salary to be fixed by ordinance. The Council shall also fix the compensation of all other officers and employees of the City except as in this Charter otherwise provided. No officer or employee shall be allowed any fees, perquisites, emoluments, rewards or compensation, aside from the salary or compensation as fixed by the Council, but all fees received by him in connection with his official duties shall be paid by him into the City treasury. Compensation of officers and employees

#### Reports of Departments.

Section 41. Each department and commission shall annually, on such date as may be fixed by the Council, render to the City Manager a full report of all operation of such department or commission for the year. Reports of departments

## Reports to Be Published.

**Publication**           Section 42. The Council shall provide for the publication of the annual reports of the City Manager.

## Councilman to Hold No Other Office.

**Holding of other office**           Section 43. No member of the Council shall hold any other municipal office or hold any office or employment the compensation of which is paid out of the municipal moneys; nor be elected or appointed to any office created or the compensation of which is increased by the Council, while he is a member thereof, until one year after the expiration of the term for which he was elected.

**Eligibility for mayor**           No member of the Council during the term for which he shall have been elected shall be eligible to fill a vacancy in the office of Mayor.

## Officers Not to Be Interested in Contracts or Franchises.

**Illegal contracts**           Section 44. No officer or employee of the City shall be directly or indirectly interested in any contract, work or business of the City, or in the sale of any article, the expense, price or consideration of which is paid for from the treasury or by assessment levied by any act or ordinance; nor in the purchase or lease of any real estate or other property belonging to the City or which shall be sold for taxes or assessments or by virtue of legal process at the suit of the City. No officer or employee of the City shall be in the employ of any public service corporation in the City or of any person having any contract with the City or of any grantee of a franchise granted by the City.

Any contract or agreement made in contravention of this Section shall be void.

Any violation of the provisions of this Section by such officer or employee of the City shall be deemed a misdemeanor.

The Council shall enforce the provisions of this Section by appropriate legislation.

## Political and Religious Tests.

**Political and religious tests**           Section 45. No appointment to position under the City Government shall be made or be withheld by reason of any religious or political opinions or affiliations or political services, and no appointment to or selection for or removal from any office or employment, and no transfer, promotion, reduction, reward or punishment shall be in any manner affected by such opinions, affiliations or service.

This section shall not apply to persons holding positions or offices or who aspire to the same and who cannot truthfully take the oath provided for in Section 20 hereof.

### City Manager.

Section 46. 1. The Council shall appoint a City Manager <sup>City manager</sup> and shall fix his salary and provide funds to conduct his office.

2. He may be appointed from out of the State of California, but shall be a citizen of the United States.

3. No person in the employ of the City of Modesto at the time this Charter becomes effective shall be appointed City Manager within twelve (12) months after the effective date thereof.

4. He shall be appointed within ninety (90) days after this Charter becomes effective, for an indefinite period of time, and may be discharged by a five-sevenths vote of the Council.

### Powers and Duties.

Section 47. As the administrative head of the City government the City Manager shall have the following powers and <sup>Powers and duties</sup> duties:

1. To see that all ordinances and provisions of this Charter are enforced.

2. To exercise general supervision over all privately owned public utilities, so far as the same are subject to municipal control.

3. To see that all provisions of all franchises, permits, and privileges granted by the City are fully observed, and report all violations to the Council.

4. To make and execute contracts on behalf of the City involving expenditures of \$1500.00 or less.

5. To exercise general supervision over all recreation and public parks.

6. Except as otherwise provided herein, he shall appoint and remove, subject to Civil Service, all heads of departments and their subordinates; and any other department head and subordinate, hereinafter created and shall exercise supervision and control over them.

7. To discipline, if he deems it necessary, any head of a department over which he has appointive powers, or the subordinates thereof.

8. To attend all regular and special Council meetings and Council committee meetings, except when his removal from office is being considered.

9. To examine, or cause to be examined, with or without notice, the conduct of any city official, officer or employee over whom he has jurisdiction.

10. To recommend to the Council for adoption such measures as he deems necessary.

11. To at all times keep the Council fully advised of the financial affairs of the City and its future needs.

12. To supervise preparation of the assessment roll and to make recommendations regarding the same to the City Council or the Council sitting as a Board of Equalization.

13. To prepare the annual budget, submit it to the Council, and see that it is properly administered.



14. To appoint advisory boards, without compensation, to assist him in performance of his duty, if he deems it necessary.

15. To investigate, or cause to be investigated, all complaints about services maintained by the City and to correct abuses thereof.

16. To examine and approve or reject, whichever may be proper, all surety bonds posted as required by law.

17. To act as purchasing agent for the City, and while so acting he shall:

a. Give preference to local merchants, quality and price being equal;

b. Establish and enforce specifications for supplies, materials and equipment required by the City;

c. Inspect all supplies and determine if the same are up to specifications;

d. Transfer equipment and supplies between departments and, with approval of the City Council, sell obsolete or unused personal property of the City.

18. To interchange employees between or among departments if he deems it proper so to do.

19. To immediately upon taking office, and annually thereafter, inventory and appraise the value of all real estate, buildings, furniture and fixtures, supplies and moveable property of every kind and nature belonging to the City; and to require each officer or department head to inventory the same or any portion thereof. One copy of such inventory shall be filed with the City Council and one with the Auditor.

20. To act as and be custodian of all City property, custody of which has not been otherwise provided for.

21. To perform such other duties as may be prescribed by this Charter or Council not inconsistent therewith.

22. To give at the end of each fiscal year a complete report of the administrative activities, of the City for the preceding year.

23. The Council shall have the right to instruct the City Manager in matters of policy and any action, determination or omission of the City Manager shall be subject to review by the Council, but no such action, determination or omission shall be overruled or modified by a vote of less than five-sevenths of the members of said Council.

24. The City Manager may be removed from office but with not less than a five-sevenths vote of the Council.

25. In the absence of the City Manager, the Council may designate some qualified person to perform his duties.

26. The City Manager shall have no vote at Council meetings.

27. The City Manager shall not appoint, remove, supervise or control the following officials of the City, nor their subordinates:

City Attorney

City Clerk

Police Judge or any City Judge by whatever title he is known.

## Article IX. Finance and Taxation.

### The Fiscal Year.

Section 48. The fiscal year of the City shall commence <sup>Fiscal year</sup> upon the first day of July of each year, or at such other time as may be fixed by ordinance.

### Tax System.

Section 49. The Council shall by ordinance provide a system <sup>Tax system</sup> for the assessment, levy and collection of all City taxes not inconsistent with the provisions of this Charter.

The Council shall have power to avail itself by ordinance of any law of the State of California now or hereafter in force and comply with the requirements thereof whereby assessments may be made by the Assessor of the county in which the City of Modesto is situated and taxes collected by the tax collector of said county for and on behalf of the City of Modesto.

Other provisions of this Charter concerning the assessment, levy and collection of taxes shall be subject to the provisions of any such ordinance while the same shall be in force.

### Annual Estimate of City's Requirements and Revenue.

Section 50. On such date in each year as shall be fixed by the Council, the City Manager shall send to the Council a careful estimate, in writing, of the amounts, specifying in detail the objects thereof required for the business and proper conduct of the various departments, offices, boards and commissions of the City, over which he has control, during the next ensuing year. The City Manager shall also at said time submit to the Council an estimate of the amount of income from fines, licenses, and other sources of revenue, exclusive of taxes upon property, and the probable amount required to be levied and raised by taxation. <sup>Annual estimate of requirements and revenue</sup>

### Annual Budget.

Section 51. The Council shall meet annually prior to fixing the tax levy, and made a budget of the estimated amounts required to pay the expenses of conducting the business of the City government for the next ensuing fiscal year. The budget shall be prepared in such detail as to the aggregate sum and the items thereof allowed to each department, office, board or commission as the Council may deem advisable. No budget shall be adopted by the Council until notice of the proposed adoption thereof is printed in the official newspaper of said city at least once five days prior to the date said budget is adopted, or proposed to be adopted. <sup>Annual budget</sup>

### Board of Equalization.

Section 52. The Council shall meet at their usual place of holding meetings on the first Monday in August of each <sup>Board of equalization</sup>

year, at ten o'clock in the forenoon of said day, and sit as a board of equalization, and shall continue in session from day to day for at least five days. They shall have power to hear complaints and to correct, modify, strike out or to raise any assessment, provided that notice shall be given to the party whose assessment is to be raised. This section shall be inapplicable or inoperative if the Council contracts with the County Assessor of Stanislaus County for the making of assessments in the City.

#### Annual Tax Levy.

Annual  
tax levy

Section 53. The Council must finally adopt, not later than its first regular meeting in September, an ordinance levying upon the assessed valuation of the property in the City, subject to the provisions of this Charter, a rate of taxation upon each one hundred dollars of valuation sufficient to raise the amounts estimated to be required in the annual budget, less the amounts estimated to be received from fines, licenses and other sources of revenue. They shall then deliver the assessment roll to the auditor, who shall compute and carry out the amount of the tax so levied upon each parcel of property contained in said assessment roll. The corrected list for each tax shall be the assessment roll of said tax for said year, and it shall be certified by the auditor as being the assessment roll of said tax.

#### Bond Tax. Library Tax.

Bond tax  
and library  
tax

Section 54. The Council shall have power to levy and collect taxes, in addition to the taxes herein authorized to be levied and collected, sufficient to pay the interest and maintain the sinking fund of the bonded indebtedness of the City; and to levy not exceeding twenty cents on each one hundred dollars of the assessed value of all real and personal property within the City for the support and maintenance of free public libraries and reading rooms.

#### Tax Liens.

Tax liens

Section 55. All taxes and assessments levied together with any percentage imposed for delinquency and the cost of collection, shall constitute liens on the property assessed; every tax upon the personal property shall be a lien upon the real property of the owner thereof. The liens provided for in this section shall attach as of the first Monday in March in each year, and may be enforced by actions in any court of competent jurisdiction to foreclose such liens, or by a sale of the property affected and the execution and delivery of all necessary certificates and deeds therefor, under such regulations as may be prescribed by ordinance; provided, that when real estate is offered for sale for City taxes due thereon, the same shall be struck off and sold to the City, in like case and in like manner and with like effect and with like right of redemption, as it

may be struck off and sold to the state when offered for sale for state and county taxes; and the Council shall have power to provide for the procedure to be followed in such sales to the City and redemption thereafter.

#### Duties of the Auditor.

Section 56. Money shall be drawn from the treasury only upon warrants as herein authorized. Every demand against the City, from whatever source, including the free public library, when allowed by the Council or proper board, shall be signed by the president and secretary or clerk of such body, and a warrant, numbered and dated the same as the demand issued and signed by the same officers, and both must, before it can be paid, be presented to the auditor, who shall satisfy himself whether the money is legally due and its payment authorized by law. If he allows it, he shall endorse upon the warrant the word "allowed", and the date of such allowance, and sign his name thereto. No demand shall be approved, allowed, audited or paid unless it specify each special item, and the date thereof. It shall be the duty of the auditor to be constantly acquainted with the exact condition of the treasury. He shall, on application of any person indebted to the City, holding money payable into the City treasury or desiring to pay money therein, certify to the treasurer the amount thereof, to what fund applicable and by whom to be paid. He shall charge the treasurer with the amount received. It shall be his duty to apportion among the several funds all public money at any time in the City treasury, not by law or ordinance specifically apportioned and appropriated, and so forthwith notify the treasurer of such apportionment or appropriation. He shall countersign and deliver to the proper officers, all licenses and other receipts, charging them therewith, and taking their receipt therefor. He shall at the first regular meeting of each month, or oftener if required, report in writing to the Council the condition of each fund in the treasury. He shall keep a complete set of books for the City, in which he shall set forth in a plain and business-like manner, every money transaction of the City, so that he can at any time tell the exact condition of the City's finances, and draw all warrants on the treasury. He shall perform such other duties as may be required of him by this Charter or by ordinance.

Auditor  
Duties

#### Disposition of Money Collected.

Section 57. Every officer collecting or receiving any moneys belonging to or for the use of the City shall on the day of the receipt thereof settle for the same with the auditor and immediately pay all the same into the treasury, on the order of the auditor, for the benefit of the funds to which such moneys severally belong. The Council may provide, in its discretion, for the deposit of the City moneys in banks in accordance with the state law.

Disposition  
of money  
collected

### Uniform Accounts and Reports.

Uniform  
accounts  
and reports

Section 58. The Council shall prescribe uniform forms of accounts, which shall be observed by all officers and departments of the City which receive or disburse moneys. Whenever an act shall be passed by the State Legislature calling for uniform municipal reports, the City authorities shall be governed thereby.

### Article X. Public Work and Supplies

#### Form of Contracts

Public  
works  
contracts

Section 59. All contracts shall be drawn under the supervision of the City Attorney. All contracts must be in writing, executed in the name of the City of Modesto by an officer or officers authorized to sign the same, and must be countersigned by the auditor, who shall number and register the same in a book kept for that purpose.

#### Progressive Payments on Contracts.

Progressive  
payments

Section 60. Any contract may provide for progressive payments if in the ordinance authorizing or ordering the work permission is given for such a contract. But no progressive payments can be provided for or made at any time which with prior payments, if there have been such, shall exceed in amount at that time seventy-five per cent of the value of the labor done and the materials used up to that time, and no contract shall provide for or authorize or permit the payment of more than seventy-five per cent of the contract price before the completion of the work done under said contract and the acceptance thereof by the proper office, department or board.

#### Public Work to Be Done by Contract

Bids

Section 61. In the erection, improvement and repair of all public buildings and works, in all street and sewer work, and in all work in or about streams, or water front, or in or about embankments or other works or protection against overflow and erosion, and in furnishing any supplies or materials for the same, when the expenditure required for the same exceeds the sum of Fifteen Hundred dollars, the same shall be done by contract, and shall be let to the lowest responsible bidder, after advertising for sealed proposals for the work or supplies contemplated in five successive issues of the official newspaper of the City of Modesto. Such notice shall distinctly and specifically state the work contemplated to be done or the materials or supplies contemplated to be purchased, provided, however, that the Council may reject any and all bids and readvertise for bids, or provide for the work to be done by the Department of Public Works or the materials or supplies to

be purchased by the City Manager. In case no bid is received, the Council may likewise provide for the work to be done by the Department of Public Works or the materials or supplies to be purchased by the City Manager. Provided that nothing in this section shall be construed to apply to the acquisition or the purchase of electricity, electric power or electric energy by the City for any use or purpose.

#### Contracts for Official Advertising.

Section 62. The Council shall let annually contracts for the official advertising for the ensuing fiscal year. For this purpose the Council shall advertise for one day, setting forth distinctly and specifically the work contemplated to be done, and asking for sealed proposals therefor. The proposals shall specify the type and spacing to be used at the rate or rates named in the bids. The Council shall let the contracts for such official advertising to the lowest responsible bidder publishing a newspaper in the City which is a newspaper of general circulation and has been in existence at the time of the awarding of the contract at least one year; provided, that the Council may reject any or all bids and advertise for new bids.

The newspaper to which the award of such advertising is made shall be known and designated as the "official newspaper of the City of Modesto."

#### Contracts for Lighting.

Section 63. No contract for lighting streets, public buildings, places or offices shall be made for a longer period than one year, nor shall any contract to pay for electric light or any illumination material at a higher rate than the minimum price charged to any other consumer be valid.

#### Hours of Labor.

Section 64. The maximum time of labor or service required of any laborer, workman or mechanic employed upon any municipal work, whether so employed directly by the City and its officers, or by a contractor or sub-contractor, shall be eight hours during any one calendar day, except in cases of emergency.

#### Collusion with Bidder.

Section 65. Any officer of the City, or of any department thereof, who shall aid or assist a bidder in securing a contract to furnish labor, materials or supplies at a higher price than that proposed by any other bidder, or who shall favor one bidder over another by giving or withholding information, or who shall wilfully mislead any bidder in regard to the character of the materials or supplies called for, or who shall knowingly accept materials or supplies of a quality inferior to those called for by the contract, or who shall knowingly certify to a

greater amount of labor performed than has been actually performed, or to the receipt of a greater amount or different kind of materials or supplies than has been actually received shall be deemed guilty of malfeasance and shall be removed from office.

#### Collusion by Bidder.

By bidder

Section 66. If at any time it shall be found that the person to whom a contract has been awarded has, in presenting any bid or bids, colluded with any other party or parties for the purpose of preventing any other bid being made, then the contract so awarded shall be null and void, and the council shall advertise for a new contract for said works, or provide for such public work to be done by the department of public works.

#### Article XI. Franchises.

##### No Use of Streets Without a Franchise.

Use of  
streets  
Without  
franchise

Section 67. No person, firm or corporation shall ever exercise any franchise or privilege mentioned in this Article except in so far as he or it may be entitled to do so by direct authority of the Constitution of California or of the constitution or laws of the United States, in, upon, over, under or along any street, highway or other public place in the City unless he or it shall have obtained a grant therefor in accordance with the provisions of this Article.

##### Franchise to Use Streets.

Same Grant  
of franchise

Section 68. Every franchise or privilege for the use of any streets, ways, alleys, or other public places in the City of Modesto, for any purpose other than transmission of gas and/or electricity, shall be granted upon the conditions set forth in sections 69 to 89 inclusive, of this Article and not otherwise, and every franchise for the transmission and distribution of gas and/or electricity shall be granted exclusively pursuant to the provisions of Section 89 of this Article.

##### Applications for Franchise.

Application  
for franchise

Section 69. An applicant for a franchise or privilege shall file with the Council an application therefor, and thereupon the Council, if it propose to grant the same, shall, on petition signed by qualified and registered electors equal in number to twenty percentum of the entire vote cast at the last preceding general municipal election, requesting it to grant the same, must advertise the fact of said application together with a statement that it is proposed to grant the same, in the official newspaper of the City. Such advertisement shall contain a copy of the proposed ordinance making such grant. The publication of such advertisement must be run in the said

paper in five successive issues and must be completed not less than twenty and not more than thirty days before any further action can be taken on such application. The form of such petition, signatures, and verification and duties of the Clerk in respect thereto, provided in Section 90 (for petitions for recall) shall apply to petitions for grant of franchise referred to in this section.

#### Conditions of Grant.

Section 70. The advertisement must state the character of the franchise or privilege proposed to be granted, and if it be a street, suburban or interurban railroad, the route to be traversed; that sealed bids therefor will be opened at a stated time and place, and that the franchise will be awarded to the bidder offering to pay to the City during the life of the franchise the highest percentage of the gross annual receipts received from the use, operation or possession of the franchise, provided that such percentage be not less than two percent of said gross annual receipts during the first five years, not less than three percent during the next five years, not less than four percent during the third five years, and not less than five percent for the rest of the life of the franchise. Conditions of grant

#### Bidding for the Franchise.

Section 71. At the time of opening the sealed bids, any responsible person, firm, or corporation, present in person, or represented, may bid for such franchise or privilege not less than one-fourth of one per cent of the gross annual receipts above the highest sealed bid therefor, and such bid so made may be raised not less than one-fourth of one percent of the gross annual receipts, by any other responsible bidder, and such bidding may continue until finally such franchise shall be struck off, sold and awarded by the Council to the person, firm or corporation offering the highest percentage of the gross annual receipts arising from the use, operation or possession of such franchise; provided, that if, in the judgment of the Council, no adequate or responsible bid has been made, the Council may withdraw such franchise from sale or advertise for new bids. Bidding

#### Deposit as Guarantee of Good Faith.

Section 72 Every application and bid for franchise under this Article shall be accompanied by a cash deposit of five hundred dollars (\$500), or a certified check therefor as a guarantee of the good faith of the applicant or bidder, and as a fund out of which to pay all expenses connected with such application and the granting of such franchise. Deposit

Upon the franchise being awarded, all deposits made by unsuccessful bidders shall be returned. The deposits of the successful bidder shall be retained until the filing and approval



of the surety bond hereinafter provided for, whereupon the remainder of such deposit, after the payment therefrom of all expenses incurred by the City in connection with the advertising and awarding of such franchise, shall be returned.

### Open Competition.

Open  
competition

Section 73. No clause or condition of any kind shall be inserted in any franchise or grant offered or sold under the terms of this Article which shall directly or indirectly restrict free and open competition in bidding therefor, and no clause or provision shall be inserted in any franchise offered for sale, which shall in any wise favor one person, firm or corporation, as against another in bidding for the purchase thereof.

### Bond.

Bond

Section 74. The successful bidder for any franchise or privilege awarded under this Article shall file a bond running to the City to be approved by the Council, in the penal sum to be prescribed by the Council and set forth in the advertisement for bids conditioned that such bidder shall well and truly observe and faithfully perform each and every term and condition of such franchise, and that in case of any breach of condition of such bond, the whole amount of the penal sum therein named shall be taken and deemed to be liquidated damages and shall be recoverable from the principal and surety upon such bond.

Such bond shall be filed with the Council within five days after such franchise is awarded, and within thirty days after the filing and approval of such bond such franchise shall by the Council be granted by ordinance (subject to the provisions of Section 88 of this Article) to the person, firm or corporation to whom it shall have been struck off, sold or awarded, and, in case such bond shall not be filed, the award of such franchise shall be set aside, and any money deposited in connection with the awarding of the franchise shall be forfeited, and the franchise shall, in the discretion of the Council, be readvertised and again offered for sale in the same manner and under the same restrictions as hereinbefore provided.

### Life of Franchises.

Life of  
franchise

Section 75. The maximum length of time for which a franchise or privilege to use the streets, highways, waters, or other places of the City may be granted to any person, firm or corporation shall be twenty (20) years.

### Beginning and Completion of Work.

Beginning  
and completion  
of work

Section 76. Work under any franchise granted in accordance with the terms of this Article shall be commenced in good

faith within no more than four months from the date of the final adoption of the ordinance granting such franchise, and, if not so commenced within said time, said franchise shall be forfeited. Work under any franchise so granted shall be completed within the time fixed for such completion in the ordinance granting such franchise, which time shall be not more than three years from the date of the final adoption of the ordinance granting said franchise, and if not so completed within said time, said franchise shall be forfeited; provided, that if good cause be shown, the Council may by resolution extend the time for completion thereof not exceeding three months.

#### Regulation of Grants, Franchises and Privileges.

Section 77. The grant of every franchise or privilege shall be subject to the right of the City, whether reserved or not, to make all regulations which shall be necessary to secure in the most ample manner the safety, welfare and accommodation of the public, including among other things the right to pass and enforce ordinances to protect the public from danger or inconvenience in the operation of any work or business authorized by the grant of the franchise and the right to make and enforce all such regulations as shall be reasonably necessary to secure adequate, sufficient and proper service and accommodations for the people and insure their comfort and convenience.

Regulations

#### Rates and Charges.

Section 78. The grant of every franchise or privilege shall be subject to the right of the City, whether reserved or not, to prescribe and regulate the rates, fares, rentals or charges made for the service rendered under such franchise. The grant of every franchise for a street, suburban or interurban railroad shall provide that all United States mail carriers and all officials, policemen and firemen of the City shall at all times, while in the actual discharge of their duties, be allowed to ride on the cars of such railroad within the boundaries of the City without paying therefor and with all the rights of other passengers.

Rates and charges

#### Right of the City to Assume Ownership.

Section 79. Every ordinance granting any franchise shall provide that at the expiration of the period for which the franchise was granted, or at any time before as stated in the ordinance, the City, at its election and upon the payment of a fair valuation therefor to be made in the manner provided in the ordinance making the grant, may purchase and take over to itself the property and plant of the grantee in its entirety, but in no case shall the value of the franchise of the grantee be considered or taken into account in fixing such valuation. Or it may be provided in the ordinance granting any franchise that the property and plant of the grantee shall, at the expiration of the period for which the franchise was granted, become the property of the City without any compensation to the grantee.

Assumption of ownership by city

### No Conveyance Necessary for City's Ownership.

Conveyance

Section 80. Every ordinance granting any franchise shall further provide that upon the payment by the City of a fair valuation in the manner provided in the ordinance, the plant and property of the grantee shall become the property of the City by virtue of the grant in payment thereunder, and without the execution of any instrument or conveyance, and in case it is provided in the ordinance granting any franchise that the property and plant of the grantee shall, at the expiration of the period for which it was granted, become the property of the City without any compensation to the grantee, the property and plant of the grantee shall then become the property of the City by virtue of the grant and without the execution of any instrument or conveyance.

### Lease or Assignment of Franchise.

Lease or assignment

Section 81. Any franchise granted by the City shall not be leased, assigned or otherwise alienated without the express consent of the City, and no dealings with a lessee or assignee on the part of the City to require the performance of any act or payment of any compensation by the lessee or assignee shall be deemed to operate as such consent; provided, that nothing herein shall be construed to prevent the grantees of such franchise from including it in a mortgage or trust deed executed for the purpose of obtaining money for corporate objects.

### Street Sprinkling, Cleaning and Paving.

Street sprinkling, cleaning and paving

Section 82. Every grant of any franchise or privilege in, over, under or along any of the streets, highways or public places in the City for railway purposes, shall be subject to the conditions that the person, firm or corporation exercising or enjoying the same shall sprinkle, clean, keep in repair and pave and repave so much of said street, highway or other public place as may be occupied by said railway, as lies between the rails or each railway track and between the lines of double track, and for a space of two feet outside of said tracks.

### Examination of Company's Books. Audit

Examination and audit of company's books

Section 83. The City of Modesto by its Auditor, Deputy Auditor, or accountants authorized by the Auditor, or by the Council, shall have the right at all reasonable times to examine all the books, vouchers and records of any person, firm or corporation exercising or enjoying any franchise or privilege granted by the City, for the purpose of verifying any of the statements of gross receipts provided for, and for any other purpose whatsoever connected with the duties or privileges of the City, or of such person, firm or corporation, arising from this Charter, or from the ordinance granting the franchise, and may audit the same at the end of each year.

### Annual Reports of Company.

Section 84. Every person, firm or corporation operating any business under a franchise granted under this article shall file annually with the City Auditor on such date as shall be fixed by the Council a report for the preceding year. Annual reports in company

Such report shall be in writing, verified by the affidavit of such person or persons, or officer of the corporation, as the Council shall direct, and shall contain a statement, in such form and detail as shall from time to time be prescribed by the Council, of all the gross receipts arising from all the business done by said person, firm or corporation, within the City of Modesto for the year immediately preceding such report. Such report shall contain such further statements as may be required by the Council concerning the character and amount of business done, and the amount of receipts and expenses connected therewith, and also the amount expended for new construction, repairs and betterments during such year.

### Payment of Gross Receipts.

Section 85. The stipulated percentage of gross receipts shall be paid annually at the time of filing the annual report. Failure to pay such percentage shall work a forfeiture of the franchise. The provisions as to the payment of gross receipts shall apply to every person, firm or corporation using or operating the works constructed under such franchise. Payment of receipt

### Forfeiture for Non-Compliance.

Section 86. Every ordinance granting any franchise or privilege shall provide for the termination and forfeiture thereof for any breach or failure to comply with any of the terms, limitations or conditions thereof, and in all such cases the Council shall have power to declare the termination and forfeiture of any such franchise or privilege, the same as though in each instance such power was expressly reserved. Forfeiture Non-compliance

### Franchise Not in Use Forfeited.

Section 87. All franchises and privileges heretofore granted by the City which are not in actual use or enjoyment, or which the grantees thereof have not in good faith commenced to exercise, shall be declared forfeited and invalid, unless such grantees or their assigns shall, within six months after this Charter takes effect, in good faith commence the exercise and enjoyment of such privilege or franchise. Non-use

### Manner of Granting and Renewing Franchises.

Section 88. No exclusive franchise shall ever be granted, and no franchise shall be renewed prior to one year before its expiration. No franchise shall be granted, renewed or extended Granting and renewing Procedure

except by ordinance, and no such grant or franchise, or renewal or extension thereof shall be of any validity until the same shall have been approved by a majority of the electors voting thereon at a general or special election. Said election shall be held not less than fifteen and no more than thirty days from and after the final passage of such ordinance by the Council granting such franchise, or a renewal or an extension thereof. It shall be the duty of the Council to provide for said election. Said election shall be held in all respects as are other elections under this Charter, relating to the submission of ordinances to a vote of the electors. The ballots used at such election shall read as follows:

For the Franchise, Yes

For the Franchise, No.

stating the nature of the franchise ordinance in terms sufficient to identify it.

#### Franchise Granted Under and Pursuant to the "Franchise Act of 1937"

"Franchise  
Act of  
1937"

Section 89. Every franchise to use, or to construct and use, poles, wires, conduits and appurtenances for transmitting and distributing electricity for any and all purposes, or to use, or to lay and use, pipes, and appurtenances for transmitting and distributing gas for any and all purposes, under, along, across or upon any streets, ways, alleys, or other public places, as the same now or may hereafter exist within the City of Modesto, shall be granted under and pursuant to the "Franchise Act of 1937" as approved by the Governor of the State of California on June 29, 1937, and any amendments thereto, and the life of any franchise may, as provided in said Act, be indeterminate.

#### The Recall.

Recall: Section 90. The holder of any elective office may be removed by the qualified electors.

#### Method of Procedure.

Procedure

(1) The procedure to effect the removal of an incumbent of an elective office shall be as follows: A petition signed by electors qualified to vote at a municipal election in said City, if held at the date of the filing of said petition, equal in number to at least twenty-five per centum of the entire vote cast at the last preceding general municipal election, demanding an election to determine whether or not said officer shall be removed from office, shall be addressed to and filed with the City Clerk, and said petition shall contain a general statement of the grounds for which the removal is sought, in not more than two hundred (200) words, which statement shall not be open to review.

### Signatures to Petition.

(2) The signatures to the petition need not all be appended to one paper, but said petition may be presented in sections. The number of signatures to each section shall be at the pleasure of the person soliciting signatures to the same. Any qualified voter or taxpayer of the City shall be competent to solicit said signatures. Each section shall have attached thereto the affidavit of the person soliciting signatures to the same, stating that all the signatures to the attached section were made in his presence, and that each signature to the section is the genuine signature of the person whose name purports to be thereunto subscribed, and no other affidavit thereto shall be required. Each signature, the genuineness of which is not called in question by the sworn affidavit of the purported owner thereof, shall be presumed to be genuine. Until it be proven otherwise by official investigation, it shall be presumed that the petition presented, contains the signatures of the requisite number of qualified signers, and conforms to all other legal requirements. Each signer of said petition shall add to his signature his place of residence, giving the street and number, if any, or a description which will enable his place of residence to be determined and his occupation.

(3) Said petition shall be presented to the City Clerk for filing, and, within ten days from the date of the presentation of such petition, the Clerk shall examine and ascertain from the records of registration whether or not said petition is signed by the requisite number of electors qualified to sign said petition, and if necessary the Clerk may employ extra help for that purpose, and the Clerk shall attach to said petition his certificate showing the result of said examination. If, by the said certificate, the petition is shown to be insufficient as to the number and genuineness of signatures, it may be amended by additional signatures, within five days from the date of said certificate. The Clerk shall, within five days after such amendment, make like examination of the amended petition, and, if his certificate shall show the same to be insufficient in the same particulars, it shall be returned to the person presenting the same without prejudice, however, to the presentation of a new petition to the same effect.

### Recall Election.

(4) If the petition shall be found to be sufficient as to the number and genuineness of signatures, the Clerk shall forthwith file the same in his office and a special election shall be held within twenty days from said filing to determine whether the electors will recall said officer. All arrangements for said election shall be made and the same shall be conducted, returned, and the results thereof declared, in all respects as are all other municipal elections provided for in this Charter, except as in this section otherwise provided, and except also that the Clerk

shall give and sign the notice or proclamation of election, appoint the election officers and designate the polling place in each election precinct.

#### Officer's Justification.

Justifica-  
tion by  
officer

(5) In the published call for the election there shall be printed in not more than two hundred (200) words the reasons for demanding the recall of the officer as set forth in the recall petition and in not more than two hundred (200) words the officer may justify his course in office.

#### Voting. Canvass of Returns

Voting:  
Canvass of  
returns

(6) At such recall election, the ballots shall read:

“Shall\_\_\_\_\_ (naming the officer) be recalled? Yes”

“Shall\_\_\_\_\_ (naming the officer) be recalled? No”

If a majority of the electors voting on the recall of the officer sought to be removed, shall vote in favor of such recall, said officer shall thereupon be deemed removed from office and his incumbency thereof shall terminate upon the declaration of this result of said election by the Canvassing Board thereof. In the published call for said election the Clerk shall name three disinterested electors who shall act as a Canvassing Board thereof. It shall be the duty of said Canvassing Board to canvass the returns of said election and to declare the result thereof in the same manner and with the same force and effect as otherwise herein provided for the Canvassing Boards of General municipal elections.

#### Election of Successor.

Election of  
successor

(7) Within three days after the canvass of the vote of said election, the Clerk shall issue the call for the election for the purpose of electing a successor to the officer so removed. Said election shall be called and held in all respects as hereinbefore provided for the election for the recall. The power and duties of the Clerk shall be the same as in said recall election. Said election shall be held upon notice of not less than twenty and not more than twenty-five days, and said election shall be held within thirty days from the date of the canvass of the vote of the recall election. Nominations shall be made in the manner provided herein relating to the nomination of Councilmen, except that petitions for nominations shall be filed in the office of the City Clerk at least ten days prior to the date of the holding of said election, and shall contain the requisite number of signatures when filed, without power of amendment. The Clerk shall forthwith determine the sufficiency as to the number and genuineness of signatures of the petition. If the same be insufficient in these particulars, it shall be rejected, and if sufficient, the name of the person nominated therein shall be

placed upon the official ballot as a candidate for the office for which he was nominated.

All the provisions of this Charter relating to elections shall be applicable to all elections held under this Section to fill vacancies caused by a recall of an officer, except that the second election, if necessary, shall be held one week after the first election and except also in case such second election is held that notice of the same shall be given, and the same shall be held in all respects as hereinbefore provided in this Section for the election for the recall. In the event that, by reason of the recall, there shall not remain in office a majority of the City Council, it shall be the duty of the City Clerk to appoint qualified persons to fill such vacancies until the election and qualification as herein provided, of the successors to the officers recalled. In the event that by reason of the recall, there shall not remain in office a majority of the Board of Education, it shall be the duty of the Superintendent of Schools of Stanislaus County to appoint qualified persons to fill such vacancies until the election and qualification as herein provided, of the successors to the officers recalled.

Disqualification of Recalled Officer.

(8) No person recalled under the provisions of this Section shall be eligible for election or appointment to any office in the City of Modesto for a period of one year from and after the date of his recall. Disqualification of recalled officer

New Officer. When to Qualify.

(9) Every person elected to fill a vacancy caused by the recall of an elective officer, as in this section provided, shall within four days from the declaration of the result of the election at which he was elected, qualify and assume the powers and duties of the office to which he was elected. New officer When to qualify

When Recall Election May Not Be Held.

(10) In no event shall a recall election to recall a City official be held during the first six months of the term for which said officer sought to be recalled shall have been elected. Limitation on recall

Article XIII. The Initiative.

Section 91. Any proposed ordinance may be submitted to the Council by a petition signed by qualified electors of the City equal in number to the percentage hereinafter required. The petition shall set forth a copy of the proposed ordinance. Initiative

Signatures to Petition

(1) The signatures to the petition need not all be appended to one paper, but said petition may be presented in sections. The Petition Signatures



number of signatures to each section shall be at the pleasure of the person soliciting signatures to the same. Any qualified voter or taxpayer of the City shall be competent to solicit said signatures. Each section shall have attached thereto the affidavit of the person soliciting signatures to the same, stating that all the signatures to the attached section were made in his presence, and that each signature to the section is the genuine signature of the person whose name purports to be thereunto subscribed, and no other affidavit thereto shall be required. Each signature, the genuineness of which is not called in question by the sworn affidavit of the purported owner thereof, shall be presumed to be genuine. Until it be proven otherwise by official investigation, it shall be presumed that the petition presented, contains the signatures of the requisite number of qualified signers and conforms to all other legal requirements. Each signer of said petition shall add to his signature his place of residence, giving the street and number, if any, or a description which will enable his place of residence to be determined, and his occupation.

#### Filing and Examination of Petition.

Filing and  
examination

(2) Said petition shall be presented to the City Clerk, and, within ten days from the date of the presentation of such petition, the Clerk shall examine and ascertain from the records of registration whether or not said petition is signed by the requisite number of electors qualified to sign said petition, and, if necessary, the Clerk may employ extra help for that purpose, and the Clerk shall attach to said petition his certificate showing the result of said examination. If, by the said certificate, the petition is shown to be insufficient, as to the number and genuineness of the signatures, it may be amended by additional signatures within five days from the date of said certificate. The Clerk shall, within five days after such amendment, make like examination of the amended petition, and, if his certificate shall show the same to be insufficient in the same particulars, it shall be returned to the person presenting the same without prejudice, however, to the presentation of a new petition to the same effect. If the petition shall be found to be sufficient, the Clerk shall forthwith file the same with the Council.

#### Initiative Election.

Election

(3) If the petition accompanying the proposed ordinance be signed by qualified electors equal in number to 25 percentum of the entire vote cast at the last preceding general municipal election, the Council must, without alteration, submit the proposed ordinance to the electorate at the next general municipal election that shall occur at any time after twenty days from the date of the Clerk's certificate of sufficiency. But if such petition is signed by qualified electors equal in number to twenty five percentum of said vote and contains a request that such proposed ordinance be submitted to a vote of the people at a special municipal election, the Council must, without

alteration, submit the same to the electorate at a special municipal election to be called and held within sixty days from the filing of such petition.

#### Initiative Ballots.

(4) The ballots used when voting upon such proposed ordinance shall contain the words or words similar thereto: "For the ordinance," and "Against the ordinance" (stating the nature of the proposed ordinance in terms sufficient to identify it). If a majority of the qualified electors voting on said proposed ordinance shall vote in favor thereof, such proposed ordinance shall become a valid and binding ordinance of the City. Ballots

#### Several Ordinances at One Election.

(5) The Council may also propose and submit at said election any ordinance to the electors, and such ordinance, upon receiving a majority of the votes of the electors, voting thereon, shall be deemed to have been adopted and shall be the valid and binding ordinance of the City. Any ordinance adopted by the electors under the provisions of this Section cannot be repealed or amended, except by a vote of the electors obtained in the manner hereinbefore stated, unless such ordinance shall otherwise provide. Several ordinances at one election

#### Limit to Special Election.

(6) Any number of proposed ordinances may be voted upon at the same election in accordance with the provisions of this section; provided, that there shall not be held under this section of the Charter more than one special election at any period of twelve months. Limitation on special elections

#### Publication of Popular Ordinance.

(7) Whenever any ordinance or proposition is required by this Charter to be submitted to the voters of the City at any election, the Council shall cause the ordinance or proposition to be printed and it shall be the duty of the Clerk to enclose a printed copy thereof in an envelope with a sample ballot and mail the same to each voter, at least three days prior to the election, and the Council may also order such ordinance or proposition to be printed in the official newspaper of the City and published in like manner as ordinances adopted by the Council are required to be published. Popular ordinance Publication

### Article XIV. The Referendum.

#### Mode of Protesting against Ordinances.

Section 92. No ordinance passed by the Council shall go into effect before fifteen days from the time of its final passage Referendum Procedure

except when otherwise required by the general laws of the State or by the provisions of this Charter, and except the ordinance making the annual tax levy, and except an ordinance for the immediate preservation of the public peace, health or safety, which contains a statement of its urgency, and is passed by a five-sevenths vote of the Council; provided, that no grant of any franchise shall be construed to be an urgency measure.

Petition

If, during said fifteen days, a petition signed by qualified electors of the City equal in number to at least twenty-five per centum of the entire vote cast at the last preceding general municipal election, protesting against the passage of such ordinance, be presented to the Council, the same shall thereupon be suspended from going into operation, and it shall be the duty of the Council to reconsider such ordinance, and, if the same be not entirely repealed, the Council shall submit the ordinance to the vote of the electors of the City, at a special election to be called for that purpose, and such ordinance shall not go into effect or become operative unless a majority of the qualified electors voting on the same shall vote in favor thereof.

The form of such petition, signatures, verification and duties of the Clerk in respect thereto provided in Section 91 shall apply to petitions for the referendum.

All the proceedings relative to the submission of ordinances by initiative shall apply to ordinances submitted by a referendum petition, and the vote thereon shall be of the same force and effect as provided in Section 91.

### Reference of Measures to Popular Vote

Reference  
to popular  
vote

Section 93. Any ordinance or measure that the Council or the qualified electors of the City shall have authority to enact, the Council may of its own motion submit to the electors for adoption or rejection at a general or special municipal election, in the same manner and with the same force and effect as is provided in this Charter for ordinances or measures submitted on petition. At any special election called under the provisions of this Charter, there shall be no bar to the submission of other questions to a vote of the electors in addition to the ordinances or measures herein provided for, if said other questions are such as may legally be submitted at such election. If the provisions of two or more measures approved or adopted at the same election conflict, then the measure receiving the highest affirmative vote shall control.

### Penal Election Laws Applicable.

Penal laws

Section 94. All the penal laws of the State of California, relating to elections, shall apply to all elections held under this Charter.

### Article XV. Police Court.

Police  
court  
creation

Section 95. There is hereby created in and for the City of Modesto a court which shall be known as the Police Court

of the City of Modesto. Said Court shall consist of one judge, who shall be appointed by the Council and who shall serve during its pleasure and who shall receive such compensation as the Council shall determine.

Section 96. Said Court shall have exclusive jurisdiction: Jurisdiction

(1) In all prosecutions for violations of the City Ordinances.

(2) In all actions for the recovery of any fine, penalty or forfeiture, and the enforcement of any obligation or liability prescribed or created by the City ordinances and in which the sum sued for does not amount to three hundred dollars.

Section 97. Within the City limits said Court shall have concurrent and co-ordinate jurisdiction with township justice courts in all matters and things in which said justice courts now or may hereafter have jurisdiction; and the judge of said police court shall have as aforesaid like authority, power and jurisdiction as the justices of said justice courts. Concurrent jurisdiction

Section 98. Appeals may be taken to the Superior Court of the State of California, in and for the County of Stanislaus, from the judgments and orders of said police court, in all cases in which appeals now are or may hereafter be provided by law to be taken to said Superior Court from said justice courts and police courts. Appeals

Section 99. In all proceedings in and appeals from said police court, the pleadings, practice, procedure and laws now applicable or that may hereafter be made applicable to said justice or police courts, are hereby adopted and made applicable to said police court. Rules of procedure

Section 100. All fines and other moneys received or collected by the judge of said police court for or on account of the City of Modesto shall immediately be paid into the City treasury. Disposition of fines

Section 101. All actions and proceedings pending and undetermined in the existing police court of the City of Modesto shall be proceeded with, heard, tried and determined in said police court hereby provided for, before said judge, the same as if said action or proceedings had been originally commenced in said police court Transfer of jurisdiction

Section 102. Nothing in this Charter shall be so construed as to prevent a justice of the peace from holding the office of police judge. Justice of the peace as police judge

Section 103. The Judge of the Police Court shall keep a record of the proceedings of the Police Court in all matters and cases before said Court. Separate dockets shall be kept for civil and criminal cases. Records of proceedings

Section 104. The City shall furnish for said court a suitable court room and office and the necessary dockets and all blanks and other books and stationery necessary in the transaction of its business and the said court shall always be open for the transaction of business, except on Sundays and other non-judicial days. Furnishing of court room, etc.

Chief of  
Police  
Powers  
and duties

Section 105. The Chief of Police of the City of Modesto shall execute and return all processes issuing from the Police Court and all orders of the Police Judge. The Chief of Police shall enforce the execution of all the laws and ordinances within the jurisdiction of the City, and for the suppression of any riots, public tumults, disturbances of the peace or resistance against the law or public authorities in the lawful exercise of their functions. He shall have the powers that are now or may be hereafter conferred upon sheriffs by the laws of this State and shall in all respects be entitled to the same protection and his lawful orders shall be executed by the deputies, police officers and watchmen in the City of Modesto and every citizen shall also lend aid when required for the arrest of offenders in the maintenance of public order. It shall be the duty of the Chief of Police to prosecute before the Police Judge all breaches or violations of or non-compliance with any City ordinance or law within the jurisdiction of the Police Judge which has come to his knowledge. The Chief of Police shall have charge of the City prison and prisoners and of any chain gang which may be established by the Council. He shall devote his entire time to the discharge of the duties of his office and subject to such rules and regulations as the Council may prescribe shall have control of the police force. He shall have power to suspend or remove any member of the police force for disobedience of any lawful order, for violation of rules and regulations of the police department, for neglect of duty, for conduct unbecoming a member of the police force, or for the general benefit of the police department of the City of Modesto. Any such suspension or removal of a member of the police department of the City of Modesto by said Chief of Police must be in compliance with and under the rules and regulations of any civil service ordinance now or hereafter in effect. In addition to the duties in this Charter specified, the Chief of Police shall discharge all duties required of him by ordinance of the City, by resolution of the Council, or by law or by the provisions of the Charter.

#### Article XVI. Educational Department.

School  
depart-  
ment Com-  
position

Section 106. The School Department of the City of Modesto shall comprise all the schools within the City of Modesto, the Modesto School District and all territory that is now or may hereafter be annexed thereto for school purposes and shall be known as "Modesto City School District." It shall consist of Primary, Grammar, High Schools and Junior Colleges as now established or that may hereafter be established, and may, at the discretion of the Board of Education include Technical, Industrial, Kindergarten and Night Schools; provided, that no school money shall be used for Technical, Industrial or Night Schools, or Kindergarten when such use would prevent the Board of Education from maintaining Primary, Grammar, High Schools and Junior Colleges for the regular minimum school term as fixed by State Law.

Section 107. All territory included within the limits of the Modesto City School District or that may hereafter be included within such limits, but not within the City Limits, shall be deemed a part of said City for the purpose of holding the general municipal elections and shall constitute one or more separate election precincts, and the qualified electors therein shall vote only for members of the Board of Education and on questions submitted to a vote of the people at special or general elections pertaining to school matters; and said outside territory shall be deemed a part of said City for all matters connected with the school department and with the levying and collecting of all taxes for school purposes.

Inclusion  
of territory  
for election  
purposes

Section 108. The Government of the school department shall be vested in a Board of Education which shall consist of five members, to be elected from the school district at large, as herein provided, to be called members of the Board of Education, who shall serve without compensation. The members of said Board shall be elected at the general municipal elections, and shall hold office for a period of four years, and until their successors are elected and have qualified; at the next general municipal election three members shall be elected and at the second municipal election following the adoption of this Charter two members shall be elected to said Board, and thereafter, alternating, three and two shall be elected at the succeeding general municipal elections.

Board of  
education

Section 109. No person shall be eligible to become a member of the Board of Education who is not at least twenty-five years of age and who has not been a resident of the Modesto City School District for the two years next preceding the day of his election.

Qualifica-  
tions of  
members

Section 110. The Board of Education shall have power subject to the provisions of this Charter and of the constitution and general laws of this State, to make rules for its own guidance and direction of the officers, teachers and employees of the school department and to control, manage, maintain, and conduct the public schools under its charge in such manner and by such means as in the judgment of said Board are for the efficiency and good of the public schools under its charge.

Powers

Section 111. All other matters pertaining to the school department of said Modesto City School District not specifically provided in this Charter, shall be governed by the general School Law of the State of California.

Limitation

## Article XVII. Amendments.

Section 112. This Charter may be amended at intervals of not less than two years by proposals therefor, submitted by the Council to the qualified electors of the City at a general or special election, held at least forty days after the first publication of such proposals, said proposals shall be published for four successive weeks in a newspaper of general circulation in the city and ratified by a majority of the electors voting thereon, and approved by the legislature as provided in the constitution

Charter  
amend-  
ments  
Procedure

**Petition** of the State of California. Whenever 25 per centum of the qualified voters of the City shall petition the Council to submit any proposed amendment or amendments to this Charter to the qualified voters thereof for approval the Council must submit the same. In submitting any such amendment or amendments to the Charter any alternative article or proposition may be presented for the choice of the voters and may be voted on separately without prejudice to the others.

**Same** Section 113. The petition herein provided for must be made, presented, examined and certified to in the manner and form required for petitions in Section 91, Article 13 of this charter.

**Elections** Section 114. The Council must make all necessary provisions for submitting proposed amendments to the electors, and shall canvass the votes in the same manner as in other elections.

**Ballots** Section 115. The ballots used at such elections shall contain the words, "For the Amendment" and "Against the Amendment" (stating the nature of the proposed amendment.)

#### Article XVIII. Miscellaneous.

##### When this Charter takes Effect

**Operative date** Section 116 For the purpose of the qualification and of the nominating of candidates and electing Mayor, Councilmen and Members of the Board of Education in accordance with this Charter, this Charter shall take effect from the time of the approval of the same by the legislature.

##### First Election Under this Charter.

**First election** Section 117. The City Council of the City of Modesto in office at the time this Charter is approved by the legislature shall provide for the holding of the first election of officers under this Charter, shall canvass the votes, and declare the result.

##### Terms of Incumbents in Office.

**Terms of incumbents** Section 118. The members of the City Council and Board of Education in office at the time of the approval of this Charter by the Legislature shall continue to hold office and discharge their duties for the balance of the term for which they were elected, or until their successors are elected and qualified. All appointive officials, officers and employees of the City now in office or employed at the time of the approval of this Charter by the Legislature, shall continue to hold their office or employment until they are reappointed or their successors are appointed in their place.

##### Existing Ordinances Continued in Force

**Existing ordinances** Section 119. All lawful City Ordinances, resolutions and regulations in force at the time this Charter takes effect and not

inconsistent with the provisions thereof are hereby continued in force until the same shall be duly amended or repealed.

### Conduct of Legal Proceedings

Section 120. The City Attorney shall be the prosecuting attorney in behalf of the people of all criminal cases arising from violations of the provisions of this Charter and the ordinances of the City, and shall attend to all suits and proceedings in which the City may be legally interested; provided the Council shall have control of all litigation of the City, and may employ other attorneys to take charge of any litigation or to assist the City Attorney therein.

City  
Attorney  
Powers  
and duties

### Violation of Charter and Ordinances.

Section 121. The violation of any provision of this Charter or of any ordinance of the City shall be deemed a misdemeanor, and may be prosecuted by the authorities of the City in the name of the People of the State of California, or may be redressed by civil action, at the option of said authorities. Any person sentenced to imprisonment for the violation of a provision of this Charter or of any ordinance may be imprisoned in the City jail or, if the Council by ordinance shall so prescribe, in the county jail of the county in which the City of Modesto is situated, or any Road Camp established in Stanislaus County, in which case the expense of such imprisonment shall be a charge in favor of such county against the City of Modesto.

Violations

Section 122. The word "City" wherever it occurs in this Charter, means the City of Modesto, and every Commissioner, Commission, Department, Board, Officer, Employee, wherever mentioned in this Charter, means the Commissioner, Commission, Department, Board, Officer, or Employee, as the case may be, of the City of Modesto. The word "Council" when used in this Charter means the Council of the City of Modesto.

Definitions

Section 123. After the result of an election is declared, or when an appointment is made, the City Clerk under his hand and official seal shall issue a certificate therefor and serve the same by registered mail through the United States Post Office in the City of Modesto, addressed to the person or persons elected or appointed.

Certificates  
of election  
or appoint-  
ment

Section 124. If for any reason, the first general municipal election is not held on the day herein provided for, the validity of this Charter and of such election is not affected thereby and the City Council of the City of Modesto then in office must provide for the holding of such election as soon as possible thereafter.

First  
election

Section 125. In addition to the powers granted to the Council by State Law it shall have the following specific powers:

Council  
Additional  
powers

1. To establish a Parks and Recreation Commission, Planning Commission, Civil Service Commission, Library Board of Trustees, and such other commissions or boards that it deems necessary and proper, all to serve without compensation.



2. To establish all laws necessary to create and maintain a disability and retirement fund for all city employees and to enter into contracts with the State of California to administer the same.

3. To allow not to exceed one thousand dollars in any one year for the celebration of the Anniversary of our National Independence.

4. To expend such sum as the Council shall deem proper not to exceed five per centum of the property tax levy in one fiscal year for music, publicity and promotion.

#### CERTIFICATE

Certificate

WHEREAS, the City of Modesto, a Chartered City and Municipal Corporation of Stanislaus County, State of California, on the 2nd day of November, 1948, at a general election held according to Law, did elect Henry G. Anderson, Amos S. Bomberger, Earl E. Damin, Frank C. Damrell, Robert B. Fowler, William W. Giddings, Melville D. Harris, Wendel J. Kiser, Maurice G. Philleo, James W. Poulton, Richard Vanderwall, Norman S. West, Charles W. Wherry, David Arthur Wilson, and Harry R. Windus, a Board of Freeholders to prepare and propose a charter for said City;

BE IT KNOWN, that pursuant to the provisions of the constitution of the State of California and of the Charter of the City of Modesto, said Board of Freeholders has prepared and does propose the foregoing as and for the Charter of the City of Modesto.

IN WITNESS WHEREOF, we have hereunto set our hands this 30th day of August, 1949.

ROBERT B. FOWLER  
 President, Board of Freeholders  
 MELVILLE D. HARRIS  
 DAVID ARTHUR WILSON  
 CHARLES W. WHERRY  
 EARL E. DAMIN  
 NORMAN S. WEST  
 WILLIAM W. GIDDINGS  
 RICHARD VANDERWALL  
 AMOS S. BOMBERGER  
 FRANK C. DAMRELL  
 WENDELL J. KISER  
 MAURICE G. PHILLEO  
 HENRY G. ANDERSON  
 HARRY R. WINDUS

ATTEST:

HARRY R. WINDUS  
 Secretary of the Board  
 of Freeholders.

Filed this 30th day of August, 1949.

We do hereby further certify and declare that the foregoing constitutes a full, true and correct statement of the actions

and proceedings had by the City of Modesto and the City Council of said City in the matter of the election of a Board of Freeholders as contemplated in Section 8 of Article XI of the Constitution of the State of California, and in the preparation, proposal, filing, voting upon, and canvassing the returns and declaring the result of said election in the matter of the proposed Charter for the government of the City of Modesto;

That the said Charter as hereinbefore set forth is a full, true and correct copy of the Charter as prepared and proposed by the said Board of Freeholders and filed in the office of the City Clerk of said City of Modesto, California, on the 30th day of August, 1949, and that the Certificate or proposal of said Board of Freeholders attached thereto is a full, true and correct copy of said Certificate or proposal of the said Board of Freeholders of the City of Modesto.

In Witness Whereof, we have hereunto set our hands and hereunto affixed the seal of said City of Modesto, this 16th day of December, 1949.

CARL W. SHANNON

Mayor of the City of Modesto

REX E. GAILFUS

City Clerk of the City of Modesto

(SEAL)

and,

WHEREAS, Said charter has been submitted to the Legislature of the State of California for approval or rejection without alteration or amendment in accordance with Section 8 of Article XI of the Constitution of the State of California. now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, That the said charter as presented to, adopted, and ratified by the electors of the City of Modesto and as hereinbefore set forth, be, and the same is hereby approved as a whole, as and for the charter of the City of Modesto.* Approval

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## CHAPTER 13

*Senate Concurrent Resolution No. 6—Approving certain amendments to the charter of the City of San Diego, a municipal corporation in the County of San Diego, State of California, voted for and ratified by the qualified electors of said city at the municipal special election held therein on the eighth day of November, 1949.*

[Filed with Secretary of State December 20, 1949.]

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of certain amendments hereinafter set forth to the charter of the City of San Diego,

City of  
San Diego  
Charter  
amend-  
ments

a municipal corporation in the County of San Diego, State of California, as set out in the certificate of the mayor and city clerk of the said city as follows, to wit:

STATE OF CALIFORNIA, }  
 COUNTY OF SAN DIEGO, } ss.  
 CITY OF SAN DIEGO. }

Certificate

We, the undersigned, Harley E. Knox, Mayor of The City of San Diego, and Fred W. Sick, City Clerk of said City, do hereby certify and declare as follows:

The City of San Diego, a municipal corporation of the County of San Diego, State of California, now, and at all times herein mentioned, was a city containing a population of more than one hundred thousand inhabitants, and has been ever since the year 1931, and is now, organized and existing under and pursuant to the provisions of a freeholders' charter adopted in accordance with and by virtue of the provisions of Section 8, of Article XI of the Constitution of the State of California, and which charter was duly ratified by the qualified electors of said City at the municipal general election held in said City on the 7th day of April, in the year 1931, in manner, form and substance as required by law, and was thereafter duly approved by joint resolution of the Legislature of the State of California, adopted on the 15th day of April, 1931.

That pursuant to and in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, the Council of The City of San Diego, being the legislative body thereof, on its own motion, by Ordinance No. 4197 (New Series), passed and adopted by said Council on the 26th day of September, 1949, duly proposed to the qualified electors of The City of San Diego five certain amendments to the charter of said City, designated as Propositions B, C, D, E and F, respectively, and ordered said five proposed charter amendments to be submitted to said qualified electors at the municipal special election called and held in said City on the 8th day of November, 1949.

That said Council by its Resolution No. 95234, adopted September 23, 1949, requested that said Municipal Special Election be consolidated with the special State-wide election to be held on the same date, and that the Board of Supervisors of the County of San Diego canvass the returns of said municipal special election; and the said Board of Supervisors, by its resolution adopted on the 10th day of October, 1949, ordered the consolidation of said municipal election with the special State-wide election to be held on said 8th day of November, 1949.

That all of said proposed charter amendments were published and advertised in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, in The San Diego Union, a daily newspaper of general circulation published in said The City of San Diego, and the official newspaper of said City, and in each edition thereof during the day of publication.

That copies of said proposed charter amendments were printed in convenient pamphlet form and in type of not less than ten point, and an advertisement that copies thereof could be had upon application therefor at the office of the City Clerk of The City of San Diego was published in The San Diego Union, a daily newspaper of said City, on the 7th day of October, 1949, and on each day thereafter until the day fixed for said election, all as required by Section 8 of Article XI of the Constitution of the State of California.

That copies of said proposed charter amendments could be had upon application therefor at the office of the City Clerk of said City until the day fixed for said election. That copies thereof were mailed to each of the qualified electors, as required by law.

That said proposed amendments were submitted, pursuant to the provisions of said Ordinance No. 4197 (New Series) to the qualified electors of said City at the municipal special election held in said City on the 8th day of November, 1949.

That upon the completion of the canvass of said municipal special election, the County Clerk and ex officio Clerk of the Board of Supervisors of the County of San Diego, filed in the office of the City Clerk of The City of San Diego a certificate of the result thereof, as declared by resolution of the Board of Supervisors of the County of San Diego adopted on the 28th day of November, 1949.

That all of said proposed amendments to the Charter of The City of San Diego, designated as Propositions B, C, D, E and F, were, and each and every one of them was, ratified by a majority of the qualified electors of said City voting thereon.

That as to each of the amendments to the Charter of The City of San Diego hereinafter set forth, this certificate shall be taken as a full and complete certification as to the regularity of all proceedings had and done in connection therewith.

That the proposed amendments to the Charter of The City of San Diego which were so ratified by a majority of the electors of said City, are in words and figures as follows:

(B) Amend Section 12 of Article III of the Charter of The City of San Diego, to read as follows:

“Section 12. The Council. The Council shall be composed of seven (7) Councilmen, including the Mayor, and shall be the legislative body of the City, each of the members of which, including the Mayor, shall have the right to vote upon all questions before it.

Council.  
Members

Councilmen, including the Mayor, shall be elected at a general municipal election held in the odd numbered years and, except as hereinafter provided, shall hold office for the term of four years from and after the first Monday after the first day of May next succeeding their election and until their successors are elected and qualified.

Election  
and term

At the first election held after this Charter takes effect there shall be elected a Mayor, whose term of office shall expire May 6, 1935, and one Councilman from each of the six (6) Districts as

provided in Article II of this Charter. At the first meeting of the Council held for organization under this Charter, the Councilmen elected from the six Districts shall draw lots to determine which three (3) Councilmen shall retire on May 6, 1935, and which three (3) Councilmen shall retire on May 8, 1933. Thereafter there shall be elected at each general municipal election according as their respective terms of office expire either four Councilmen, including the Mayor, or three Councilmen.

Vacancies

Any vacancy occurring in the Council shall be filled from the District in which the vacancy occurs by appointment by the remaining Councilmen; but in the event that said remaining Councilmen fail to fill such vacancy by appointment within thirty (30) days after the vacancy occurs, they must immediately cause an election to be held to fill such vacancy; provided, however, that any person appointed to fill such vacancy shall hold office only until the next regular municipal election, at which date a person shall be elected to serve for the remainder of such unexpired term.

In case a member of the Council is absent from the City for a period of forty (40) days, unless by permission of the Council, his office shall be declared vacant by the Council and the same filled as in the case of other vacancies.

Compensation

Each Councilman shall receive as compensation for his services, the sum of Twenty Dollars (\$20 00) per official meeting, provided that not more than Two Thousand Dollars (\$2,000.00) in any fiscal year shall be paid to any Councilman for such services.

No Councilman shall be eligible during the term for which he was appointed or elected to hold any other office or employment with the City, except as Mayor and a member of any Board, Commission or Committee thereof, of which he is constituted such a member by general law or by this Charter."

(C) Amend Section 118 of Article VIII of the Charter of The City of San Diego, to read as follows:

Civil Service Rules

"Section 118. Rules. The Civil Service Commission shall recommend to the City Council all rules and amendments thereto for the government, supervision and control of the classified service. No rule or amendment thereto shall become effective until it shall have been adopted by ordinance after a public hearing thereon, with notice of such hearing first given by publication of such rule or amendment thereto in full once in the official newspaper of the City at least ten (10) days prior to said hearing and by posting of such rule or amendment thereto in full in three public places at least ten (10) days prior to the said hearing thereon. Following such public hearing the City Council may adopt the rule or amendment as recommended by the Civil Service Commission, may amend the same, or may reject the said recommendation. Any rule or amendment thereto adopted by ordinance shall have the force and effect of law.

Pending the adoption by ordinance of Civil Service rules as hereinabove provided, the present Civil Service rules shall

remain in full force and effect for a period not to exceed ninety (90) days from the effective date of this section."

(D) Amend Section 120 of Article VIII of the Charter of The City of San Diego. to read as follows:

"Section 120 Limitations and Credits. No question in any test shall relate to race, or to political or religious opinions, affiliations or service, and no appointment, transfer, lay-off, promotion, reduction, suspension or removal shall be affected or influenced by race or such opinions, affiliations or service. In all original examinations the Civil Service Commission shall in addition to all other credits, give a credit of five per cent of the total credits specified for such examinations to all those who have served in the United States Army, Navy, Marine Corps, or any division thereof in time of war, insurrection or rebellion, and who have been honorably discharged, or retired from active service; and also to the wife of such of those as were, while in such service, wounded, crippled, or otherwise physically or mentally incapacitated to an extent preventing them from engaging in any remunerative occupation, and also to the widow of any such person, and also the widow of any soldier, sailor or marine killed or who died while in such service, and a credit of ten per cent to disabled veterans of the United States Army, Navy, Marine Corps or any division thereof who served this country in time of war, insurrection or rebellion, and who have been honorably discharged or retired from active service, and whose disability has been first determined and rated by the United States Veterans' Bureau, or any similar official Federal agency determining and rating disability for veterans of the United States Army, Navy, Marine Corps or any division thereof or successor thereto."

(E) Amend Section 121 of Article VIII of the Charter of the City of San Diego. to read as follows:

"Section 121. Eligible Lists. The list of applicants eligible to appointment as determined by the Rules of the Civil Service shall be known as the register of eligibles and shall be open to public inspection. The names of such eligibles shall be arranged in their respective lists in the order of their standing as determined by said rules. The name of no person shall remain on the register of eligibles for more than two (2) years without a new application and, if Civil Service Rules so require, a new test."

(F) Amend Article VIII of the Charter of The City of San Diego by adding a new section thereto to be numbered Section 140a, to read as follows:

"Section 140a. Status of Present Employees All officers and employees who at the time of the taking effect of this section would be included in the classified service and who shall have been continuously in the service of the City for a period of six (6) months prior to the effective date of this section, shall automatically retain their positions as if duly appointed thereto as of the date of their original appointment in accordance with the provisions of this Charter and the Civil

Service Rules, and shall be deemed to have the necessary qualifications required by the provisions thereof; and thereafter be superseded, replaced, discharged, reduced in rank, promoted, transferred or retired only in accordance with the provisions of this Charter. All officers and employees who at the time of the taking effect of this section would be included in the classified service, but who have been in the service of the City for a period of less than six (6) months, shall be deemed to be serving under probation and be subject to the same regulations as other officers and employees serving under probation as provided by the Civil Service Rules.”

And we further certify that we have compared the foregoing proposed and ratified amendments to the Charter of The City of San Diego with the original proposals submitting the same to the electors of said City, and find that the foregoing is a full, true and exact copy thereof.

IN WITNESS WHEREOF, we have hereunto set our hands and caused the seal of said The City of San Diego to be affixed hereto this 13th day of December, 1949.

(SEAL)

HARLEY E. KNOX  
Mayor of The City of San Diego,  
California.

FRED W. SICK  
City Clerk of The City of San  
Diego, California.

WHEREAS, Said proposed charter amendments are now submitted to the Legislature of the State of California for approval or rejection as a whole without power of alteration or amendment, in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Approval

*Resolved by the Senate of the State of California, the Assembly concurring, a majority of all the members elected to each house voting therefor and concurring therein, That said amendments to the charter of the City of San Diego, herein set forth, as submitted to and adopted and ratified by the qualified electors of said city, be, and the same are, hereby approved as a whole, without amendment or alteration, for and as amendments to and as part of the charter of said the City of San Diego.*

#### CHAPTER 14

*Senate Concurrent Resolution No. 7—Relative to approving certain amendments to the charter of the City of Sacramento, a municipal corporation of the State of California, voted for and ratified by the qualified electors of said city at a regular municipal election held therein on the eighth day of November, 1949.*

[Filed with Secretary of State December 20, 1949 ]

WHEREAS, Proceedings have been taken and had for the proposal, adoption, and ratification of certain amendments

hereinafter set forth to the charter of the City of Sacramento, a municipal corporation, as set out in the certificate of the mayor and city clerk of the City of Sacramento, as follows, to wit:

CERTIFICATE OF RATIFICATION OF ELECTORS OF THE CITY OF SACRAMENTO OF CERTAIN CHARTER AMENDMENTS

STATE OF CALIFORNIA }  
COUNTY OF SACRAMENTO } ss.  
CITY OF SACRAMENTO }

We, the undersigned, Belle Coolidge, Mayor of the City of Sacramento, State of California, and H. G. Denton, City Clerk of said city, hereby certify and declare as follows: <sup>Certificate</sup>

That the City of Sacramento, a municipal corporation of the County of Sacramento, State of California, now is, and was at all times herein mentioned, a city containing a population of more than 50,000 inhabitants and has been ever since the year 1921 and now is organized, existing and acting under a Freeholders' Charter, adopted under and by virtue of Section Eight of Article Eleven of the Constitution of the State of California, which Charter was duly ratified by the majority of the Qualified Electors of said city at a Special Municipal Election held for that purpose on the 30th day of November, 1920, and approved by the Legislature of the State of California on the 24th day of January 1921 (Statutes of 1921, page 1919) ;

That, in accordance with the provisions of Section Eight of Article Eleven of the Constitution of the State of California, the City Council of said City of Sacramento, being the Legislative Body thereof, on its own motion, by Resolution Number 848, adopted on the 26th day of September 1949, duly proposed to the Qualified Electors of the City of Sacramento certain amendments to the Charter of said city to be submitted to said Qualified Electors at a Regular Municipal Election to be held in said city on the 8th day of November 1949, which said amendments were and are, and each of them was and is in the words and figures as follows:

PROPOSAL No. A

To amend Section 86 of the Charter of the City of Sacramento to read as follows:

Tax Levy

Sec. 86. On or before the first Monday in September in each year, the Council shall, by ordinance, levy such tax as may be necessary to raise the amounts estimated to be required in the annual budget (less the amount of revenue expected from other sources) and all sums required by law to be raised on account of the City debt. <sup>Tax levy</sup>



## PROPOSAL NO. B

To amend the Charter of the City of Sacramento by adding Sections 17A, and 48A, and amending Sections 41, 42, and 165 to read as follows, to-wit:

## Civil Service Regulations

Civil  
service  
Regulations

Sec. 17A. To regulate and provide by ordinance for the punishment of any board member, examiner, or any other person who shall willfully or corruptly, by himself or in cooperation with others, defeat, deceive or obstruct any person in respect to his or her right to examination or registration according to the regulations prescribed pursuant to the provisions of this Charter, or who shall, willfully or corruptly, falsely mark, grade, estimate or report upon the examination or proper standing of any person examined, registered or certified according to any regulation prescribed pursuant to the provisions of this Charter, or aid in so doing or shall willfully or corruptly make any false representations concerning the same, or concerning the persons examined, registered or certified, or who shall willfully or corruptly furnish to any person any special or secret information for the purpose either of improving or injuring the prospects or chances of any person so examined, registered or certified, or to be examined, registered, or certified, or who shall personate any other person, or permit or aid in any manner any other person to personate him, in connection with any examination or registration or application, or request to be examined or registered.

## Creation of Board

Civil  
Service  
Board

Sec. 41. Within sixty days after taking office, the City Council first elected shall appoint as members of a Civil Service Board three citizens of the City who shall, otherwise, have no connection with the City Government. At the time of the said appointment, the City Council shall designate one of the citizens so appointed to serve for a term which shall expire December 31, 1923, one for a term which shall expire December 31, 1925, and one for a term which shall expire December 31, 1927. At the expiration of each of the terms so provided for, a successor shall be appointed for a term of six years. Vacancies on the Civil Service Board from whatever cause shall be filled by the City Council for the unexpired term. Each member of the board shall receive the sum of \$10 for each board meeting attended, provided that the total compensation of each member shall not exceed \$50 in any one month.

## Personnel Officer

Personnel  
officer

Sec. 42. The City Manager shall appoint a Personnel Officer who shall serve as Secretary of the Civil Service Board. He shall act as Chief Examiner and superintend all examinations, subject to the direction of the Board. He shall also perform

such other duties as are prescribed by this Charter, by Ordinance or by the Board.

### Certification of Payroll

Sec. 48A. The Controller shall not issue a warrant for the payment of any salary or compensation to any person holding, or claiming to hold, a position in the classified or unclassified service unless the payroll shall bear the certificate of the Civil Service Board through its Secretary that the persons named therein have been appointed or employed and are performing services in accordance with the provisions of this Charter and the rules established thereunder.

Certification of payroll

### General Qualifications

Sec. 165. Every officer or employee of the City must be a citizen of the United States and a resident of the City of Sacramento not less than three (3) consecutive years immediately preceding his appointment. All City employees must reside within the City Limits. In case of flood, fire or other public calamity, the City Manager may employ on City work, persons other than citizens or residents. The provisions of this section regarding three (3) years' residence shall not apply in the case of the City Manager and may be waived by the Civil Service Board because of difficulty in securing applicants for positions requiring specific qualifications of a professional or expert character as established by the Board. The effect of this section shall be suspended in time of any war in which the United States is engaged.

Officers and employees General qualifications

### PROPOSAL NO. C

To amend Sections 15 and 251 of the Charter of the City of Sacramento to read as follows:

### Financial Provisions

Sec. 15 To levy and collect taxes and to provide for the expenditure of the money so raised according to law; to make and execute, on behalf of the City, all contracts involving the expenditure of One Thousand Dollars (\$1000.00) or more, except as may be otherwise provided in this Charter; to fix the fees and charges for all official services not otherwise provided for in this Charter; provided that all moneys collected for such services shall be paid into the City Treasury; to provide for the leasing of any lands or any interest therein of any nature, including, without limitation either surface or sub-surface rights, or both, now or hereafter owned by the City, or held in trust by the City, for a term not exceeding forty (40) years, but all leases shall be granted to the highest responsible bidder, after publication of notice thereof for at least four days, stating the terms and conditions of such proposed lease,

Financial provisions

the City Council, having the right to reject any and all such bids; to provide for the purchase of property levied upon or sold under execution in favor of the City, but the amount bid on such purchase shall not exceed the amount of the judgment, interest and costs; to order the repayment by the Treasurer of any taxes, percentages and costs, or other moneys erroneously or illegally collected by the City; to provide for the sale, after advertising for four days, of personal property unfit or unnecessary for the use of the City.

### Letting of Certain Contracts

Public  
works  
contracts

Sec. 251. The erection, improvement and repair of all public buildings and works, all street and sewer work (not payable by special assessment on the private property benefited) and all work in or about streams or water fronts, or in or about embankments or other works for protection against overflow or erosion, and the furnishing of supplies and material for the same, or for any other use by the City or the purchase of any supplies to be used by the City, when the expenditure required for the same equals or exceeds the sum of One Thousand Dollars (\$1000.00) shall be done by contract in writing and shall be let to the lowest responsible bidder after advertising for four consecutive days in the official newspaper for sealed proposals for the work contemplated or supplies to be furnished, except in cases of emergency as hereinafter provided. Such notice shall distinctly and specifically state the work contemplated or supplies to be furnished; provided, however, the Council may reject any and all bids if deemed excessive, and in that event, or in the event that no bids are made, may readvertise for bids, or provide for the work to be done by the City or for the supplies to be purchased in the open market, but in no case shall supplies be bought at a price as high as the lowest bid received from a responsible bidder. No prison-made supplies shall be purchased by the City unless supplies of a similar character are not obtainable elsewhere. Notwithstanding any of the provisions of this Charter, it shall be competent for the City Council, by ordinance, to authorize the purchase from the United States Government, or any agency, department or officer thereof, of any property by the City without first advertising for bids. Further, notwithstanding the provisions of this section it shall be competent for the City Council, by ordinance, to direct any work to be done by the City without first advertising for bids, if such course be recommended by the City Manager.

### PROPOSAL No. D

To amend Subdivision (d) of Section 173 of the Charter of the City of Sacramento to read as follows:

### Present Employees

Death  
benefits

Sec. 173 (d). Upon the death of any person who has been retired or who, at the time of death was eligible for service

retirement under the provisions of this section, leaving a widow, provided she was the wife of such member at the time of his retirement, she shall receive an allowance equal to two-thirds of the allowance received by such person or to which he was eligible at the time of his death, or if he had rendered at least 20 years of service to the city, she shall receive an allowance equal to one-third the average monthly salary paid him one year prior to his death; or if such widow dies, or if he leaves no widow and either he or his widow leave a child or children, under the age of eighteen years, said amount shall be paid to such child, or children, in equal shares, while under the age of eighteen years; provided, however, that if such widow, or child or children, shall marry, then such person so marrying shall thereafter receive no further allowance; and provided further that if such deceased person leave neither widow, nor child or children, under the age of eighteen years, but leave a parent or parents dependent solely or partially upon him for support, an allowance shall be paid to the parent or parents during such time and in such amount as the Retirement Board may determine its necessity, but not to exceed two-thirds of the allowance received by such person or to which he was eligible at the time of his death

#### PROPOSAL NO. E

To amend Section 261 of the Charter of the City of Sacramento to read as follows:

#### Contracts for Official Advertising

Sec. 261. Except as in this charter otherwise provided, the Council shall let annually contracts for the official advertising for the ensuing fiscal year. For this purpose the Council shall advertise for four (4) consecutive days, setting forth distinctly and specifically the work contemplated to be done, including the type and spacing to be used, and asking for sealed proposals therefor. The Council shall let the contracts for such official advertising to the lowest and best responsible bidder publishing a daily newspaper in the City of Sacramento which is a newspaper of general circulation, having a bona fide list of at least five hundred (500) paid subscriptions, and which newspaper has been published in said City for two successive years prior to the time of awarding the contract, provided, that the Council may reject any or all bids if found excessive, and advertise for new bids. The newspaper to which the award of such advertising is made shall be known and designated as the official newspaper. Except when otherwise provided in this charter, or by general law, all official publications made by the City shall be made in the official newspaper only.

Contracts  
for official  
advertising

That each said proposed amendments were, on the 28th day of September 1949, published and advertised in accordance with the provisions of Section Eight, Article Eleven of the Constitution of the State of California in the "Sacramento Union", a daily newspaper of general circulation published in the said

City of Sacramento and is the official newspaper of said City of Sacramento;

That copies of said proposed amendments were printed in convenient pamphlet form and in type of not less than ten point and copies thereof were mailed to each of the Qualified Electors of said City of Sacramento; that, until the date fixed for the election hereinafter described, an advertisement was published in said "Sacramento Union" that such copies could be had upon application therefor at the office of the City Clerk of said City of Sacramento;

That such copies could be had upon application therefor at the office of the said City Clerk until the date fixed for the election hereinafter described;

That in accordance with the provisions of the Charter of said City of Sacramento and a resolution of the legislative body thereof, there was duly held in the said City of Sacramento, on the 8th day of November 1949, a Regular Municipal Election and that the said proposed charter amendments, and each of them, were duly and regularly submitted to the Qualified Electors of said City for their ratification at said election and that at the said election the majority of the Qualified Electors voting thereon voted in favor of the ratification of and did ratify Proposal No. A, Proposal No. C, and Proposal No. D of the said proposed amendments to the Charter of said City hereinabove set out;

That the results of said election were duly and regularly canvassed and certified to and it was duly found and determined and declared by the proper officers of said City that a majority of the Qualified Electors of said City voting thereon had voted for Proposal No. A, Proposal No. C, and Proposal No. D, respectively, and ratified said proposed amendments.

That we have compared the foregoing amendments with the original proposals submitting the same to the electors of said City and find that the foregoing is a full, true, correct and exact copy thereof.

That, Proposal No. B and Proposal No. E, respectively, having failing to receive a majority vote, were thereby defeated and so declared by the City Council.

IN WITNESS WHEREOF, we have hereunto set our hands and caused the seal of said City of Sacramento to be affixed hereto this 5th day of December 1949.

BELLE COOLEGGE

Mayor of the City of Sacramento

(SEAL)

H. G. DENTON

Clerk of the City of Sacramento

Subscribed and sworn to before me this 8th day of December 1949.

EVERETT M. GLENN

Notary Public in and for the County  
of Sacramento, State of California.

(SEAL)

WHEREAS, The said proposed amendments so ratified as hereinbefore set forth have been and are now duly presented and submitted to the Legislature of the State of California for approval or rejection, as a whole, without power of alteration, in accordance with Section 8, Article XI of the Constitution of the State of California;

Now, therefore, be it resolved by the Senate of the State of California, the Assembly thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, That said amendments to the charter of the City of Sacramento, as proposed to and adopted and ratified by the electors of said city and as hereinbefore fully set forth, be and the same are hereby approved, as a whole, without amendment or alteration for and as amendments to and as a part of the charter of the City of Sacramento Approval

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## CHAPTER 15

### *Senate Concurrent Resolution No. 9—Relative to the passing of Rolland A Vandegrift*

[Filed with Secretary of State December 20, 1949]

WHEREAS, Members of this Legislature were deeply grieved to hear of the death on this seventeenth day of December, 1949, of the Honorable Rolland A Vandegrift, Legislative Auditor of the State of California; and Death of  
Rolland A  
Vandegrift

WHEREAS, The Honorable Rolland A Vandegrift was a native of Pennsylvania, came to California at an early age, graduated from the University of California, receiving from that institution his bachelor, master and doctor degrees, served as a fellow in history, assistant in history at the University of California, and later as Professor of History and Government at the University of Southern California, served as Director of Research for the California Taxation Improvement Association and in other capacities, became Director of Finance and Chairman of the State Board of Control in 1931, serving to and including 1934, was the first President of the State Employees' Retirement Board and was appointed Legislative Auditor in 1941, in which office he served with distinction until the time of his death; and

WHEREAS, In addition to his professional services the Honorable Rolland A Vandegrift was well known for his patriotic activities and the pursuit of agriculture, he was a member of Phi Delta Kappa, Acacia and Sigma Delta Pi fraternities, Masons (Shriner) and a member of the Christian Church, and a successful grower of grains and breeder of live-stock; and

WHEREAS, The Honorable Rolland A Vandegrift was possessed of a studious and analytical mind, constantly abreast of the most recent developments in the realm of economics and

finance, and was greatly respected and highly esteemed by Members of the Legislature and others in State Government; now, therefore, be it

*Resolved*, That the Legislature of the State of California mourns the passing of this distinguished official and desires by this resolution to convey its sympathy to members of the bereaved family; and, be it further

*Resolved*, That when the Legislature shall adjourn from its duties on this seventeenth day of December, 1949, it shall do so in respect to the passing of the Honorable Rolland A Vandegrift, and be it further

*Resolved*, That the Secretary of the Senate is directed to have prepared and transmit to members of the bereaved family copies of this resolution.

## CHAPTER 16

### *Assembly Concurrent Resolution No. 4—Relating to providing instruction for school children to meet the dangers resulting from sex offenses.*

[Filed with Secretary of State December 21, 1949 ]

Instruction  
re sex  
offenses

WHEREAS, The prevalence and the nature of sex offenses involving children as victims has demonstrated the serious danger to children resulting from this type of offense; and

WHEREAS, Every precaution should be taken to safeguard children from potential or actual sex criminals. It is recommended that instructions similar to those hereinafter outlined be issued for the information of principals, teachers, custodians, and others who are charged with the care of children :

To school  
personnel

#### A. Instructions to School Personnel.

1. Be constantly on the lookout for suspicious strangers loitering in or near school buildings, or parked in automobiles nearby.

2. In such cases, tactfully talk to them to determine why the individuals are in the vicinity of the school. If conditions warrant, warn the person that there is a law against loitering in the vicinity of a school.

3. If the actions of the loiterer are definitely suspicious, notify the local police at once, and as soon as possible inform the child welfare and attendance branch of the incident.

4. Establish and maintain cordial relations with your local law-enforcement officials.

5. Work with local civic organizations, parent-teacher associations, and others in formulating plans for insuring the safety of the children in your community.

To school  
children

#### B. Instructions to Children.

1. Do not take anything such as candy, toys, or money from strangers.

2. Do not talk to strangers on the way to and from school.

3. Do not accept a ride in a stranger's automobile.
4. Do not "thumb" rides at any time.
5. Do not loiter on the way to or from school.
6. If possible, walk to and from school with other children.
7. If a person makes insulting remarks on the way to school, or acts in a bad way, tell your teacher or the crossing guard or policeman if you see one. If some person does this when you are going home, tell your parents at once what has happened. If the person is in an automobile, remember what the car looked like, and try to memorize the license number of the car. Remember what the person looked like and what kind of clothes were worn; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring,* That the Superintendent of Public Instruction take all necessary measures to disseminate such instructions to all school personnel, pupils, parent-teachers associations, and other cooperating groups, in order to comply with this resolution; and be it further

*Resolved,* That the Chief Clerk of the Assembly is directed to transmit a copy of this resolution to the Superintendent of Public Instruction.

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#### CHAPTER 17

*Assembly Joint Resolution No. 1—Relative to memorializing the President of the United States, the Vice President of the United States, the Secretary of Defense, the Secretary of the Navy, the Chief of Naval Operations, and the Congress of the United States, to maintain in operation the San Francisco Naval Shipyard.*

[Filed with Secretary of State December 21, 1949.]

WHEREAS, The San Francisco Naval Shipyard, commonly known as Hunters Point Naval Shipyard is a valuable and strategically located shipyard; and

San Fran-  
cisco Naval  
Shipyard

WHEREAS, The Navy for many years sought deep water facilities on the San Francisco waterfront, and when they obtained Hunters Point, spent huge sums of money in developing the shipyard; and

WHEREAS, The announcement has been made that the Navy contemplates the shutting down of the San Francisco Naval Shipyard in the near future; and

WHEREAS, The shutdown of the San Francisco Naval Shipyard would result in the unemployment of many thousands of skilled civilian workers in the San Francisco area; and

WHEREAS, In case of a national emergency the shipyard would be of invaluable aid to the preservation and security of the west coast and of the entire United States; now, therefore, be it

*Resolved by the Assembly and Senate of the State of California, jointly,* That the President of the United States, the Vice President of the United States, the Secretary of Defense,



the Secretary of the Navy, the Chief of Naval Operations and the Congress of the United States are hereby respectfully memorialized and requested to take such steps as may be necessary to maintain the San Francisco Naval Shipyard in operation to the fullest possible extent consistent with national economy; and be it further

*Resolved*, That the Chief Clerk of the Assembly be hereby directed to prepare and transmit copies of this resolution to the President of the United States, the Vice President of the United States, the Secretary of Defense, the Secretary of the Navy, the Chief of Naval Operations, the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

## CHAPTER 18

*Assembly Joint Resolution No. 2—Relative to the designation of the year 1950 as the year for the observance of an American Free Enterprise Centennial.*

[Filed with Secretary of State December 21, 1949.]

American  
Free  
Enterprise  
Centennial

WHEREAS, The year 1950 will mark a century of great progress in the advance of mechanization in manufacturing and in the production of devices, materials and services that have provided the highest living standards for human beings, strengthening and enriching the mind and body; and

WHEREAS, The world's center of this advance has been within the United States of America, and has flourished under the American system of government and had its inspiration from the culture, institutions and political ideals conceived by the founders of this republic; and

WHEREAS, This miracle of industrial achievement with its national economy of plenty for all is the exclusive product of the American Private Enterprise System and the joint possession and expression of coordinated American labor and management; and

WHEREAS, In these times of menacing economic onslaughts from within and beyond our borders, it becomes vitally important that a nationwide reaffirmation and recognition of the superlative service, worth, and American character of the free enterprise system be enunciated; now, therefore, be it

*Resolved by the Assembly and Senate of the State of California, jointly*, That the President and Congress of the United States be memorialized to take such steps as may be necessary to designate 1950 as the year for the observance of an American Free Enterprise Centennial; and be it further

*Resolved*, That the Chief Clerk of the Assembly be directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

## CHAPTER 19

*Assembly Joint Resolution No. 3—Relative to memorializing the President of the United States, the Vice President of the United States, the Secretary of Defense, the Secretary of the Navy, the Chief of Naval Operations, and the Congress of the United States, to maintain in operation the Long Beach Naval Shipyard.*

[Filed with Secretary of State December 21, 1949 ]

WHEREAS, The Long Beach Naval Shipyard at Terminal Island is a valuable and strategically located shipyard; and

WHEREAS, The Navy for many years sought deep water facilities on the Long Beach waterfront, and when they obtained the Terminal Island site spent huge sums of money developing the shipyard; and

WHEREAS, The Long Beach Naval Shipyard bears the reputation of having been the most efficient and economically administered yard of the Nation during the war years, receiving the most coveted Navy E; and

WHEREAS, The announcement has been made that the Navy contemplates the shutting down of the Long Beach Naval Shipyard in the near future; and

WHEREAS, The shutdown of the Long Beach Shipyard would result in the unemployment of many thousands of skilled civilian workers in the Long Beach areas; and

WHEREAS, In the case of a national emergency the Long Beach Naval Shipyard would be of invaluable aid to the preservation and security of the west coast and of the entire United States; now, therefore, be it

*Resolved by the Assembly and Senate of the State of California, jointly,* That the President of the United States, the Vice President of the United States, the Secretary of Defense, the Secretary of the Navy, the Chief of Naval Operations and the Congress of the United States are hereby respectfully memorialized and requested to take such steps as may be necessary to maintain the Long Beach Naval Shipyard in operation to the fullest possible extent; and be it further

*Resolved,* That the Chief Clerk of the Assembly be hereby directed to prepare and transmit copies of this resolution to the President of the United States, the Vice President of the United States, the Secretary of the Navy, the Secretary of Defense, the Chief of Naval Operations, the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

Long  
Beach  
Naval  
Shipyard

## CHAPTER 20

*Assembly Joint Resolution No. 5—Relative to memorializing Congress to enact legislation providing for the distribution of funds belonging to California Indians.*

[Filed with Secretary of State December 21, 1949 ]

Distribu-  
tion of  
funds to  
California  
Indians

WHEREAS, There is now on deposit in the United States Treasury an amount of over six million dollars (\$6,000,000) belonging to California Indians as a result of an award made by the United States Court of Claims on December 4, 1944; and

WHEREAS, The distribution of such funds to their rightful owners, the California Indians, would result in a distribution of an amount of approximately one hundred fifty dollars (\$150) to each California Indian; and

WHEREAS, Such distribution would aid in the alleviation of the present great need of California Indians; and

WHEREAS, This fund cannot be distributed until Congress so provides; and

WHEREAS, There was pending at the recent session of the Congress of the United States, S. 1354, which would authorize the distribution of such funds to California Indians; now, therefore, be it

*Resolved by the Assembly and Senate of the State of California, jointly,* That the Legislature of the State of California respectfully memorializes the Congress of the United States to enact into law S. 1354 or any other bill or bills which would accomplish the same purpose; and be it further

*Resolved,* That the Chief Clerk of the Assembly be hereby directed to transmit copies of this resolution to the President and Vice President of the United States and to each Senator and Representative from California in the Congress of the United States.

## CHAPTER 21

*Assembly Joint Resolution No. 6—Relative to the continuance of payment of nonresident fees by the Veterans Administration to the Hastings College of Law, San Francisco, California.*

[Filed with Secretary of State December 21, 1949.]

Payment of  
nonresident  
fees by  
Veterans  
Adminis-  
tration to  
Hastings  
College

WHEREAS, There is in San Francisco, California, the Hastings College of Law, which is the law department of the University of California; and

WHEREAS, The Hastings College of Law, by operating at 300 percent of normal capacity, is contributing greatly to the education and welfare of student veterans; and

WHEREAS, The attendance of Hastings College of Law has increased from 44 students on May 8, 1945, to 915 students in September, 1949; and

WHEREAS, The growth and development of Hastings College of Law since 1945 has been made possible by payment to its directors of the same Veterans Administration fees as those which have been paid for the training of students on other campuses of the University of California, including those at Berkeley and Los Angeles; and

WHEREAS, On November 9, 1949, the Director, Training Facilities Service for Vocational Rehabilitation and Education, ruled that a nonresident fee of one hundred fifty dollars (\$150) per semester may not hereafter be paid by the Veterans Administration to the Hastings College of Law; and

WHEREAS, The adoption of such a nonresident fee was approved by the Veterans Administrator in January, 1945, and payment thereof has been made throughout the last four and one-half years; and

WHEREAS, The director has ruled that payment of the fee may continue to be made for students enrolled at the School of Jurisprudence of the University of California at Berkeley, California, and the School of Law of the University of California at Los Angeles, although the combined enrollment of those institutions is approximately one-third of the enrollment at the Hastings College of Law; and

WHEREAS, The effect of such ruling is to unjustly and arbitrarily penalize the Hastings College of Law, reducing its gross income by more than one hundred thousand dollars (\$100,000) during the academic years 1949-50 and 1950-51; and

WHEREAS, The enforcement of the ruling will make it necessary for the Hastings College of Law to discontinue its present policy of accepting a number of student veterans far in excess of the normal capacity of its facilities; and

WHEREAS, The resultant limitation on the number of student veterans who may be accepted for enrollment will seriously interfere with the continued education of the student veterans affected by the ruling; now, therefore, be it

*Resolved by the Assembly and Senate of the State of California, jointly,* That the Legislature of the State of California respectfully memorializes the President, Vice President and Congress of the United States, the Director, Training Facilities Service for Vocational Rehabilitation and Education, and Veterans Administration to take such steps as may be necessary to permit the Veterans Administration to continue to pay to the Hastings College of Law the nonresidence fees of student veterans enrolled therein; and be it further

*Resolved,* That the Chief Clerk of the Assembly be hereby directed to transmit copies of this resolution to the President and Vice President of the United States, the Director, Training Facilities Service for Vocational Rehabilitation and Education, the Veterans Administration, the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, and to the appropriate congressional committees.

## CHAPTER 22

*Senate Joint Resolution No. 1—Relative to memorializing the President of the United States, the Congress of the United States, the Secretary of Defense, the Secretary of the Navy, and the Maritime Commission of the United States, to reduce the tolls of the Panama Canal.*

[Filed with Secretary of State December 21, 1949.]

Reduction  
of Panama  
Canal tolls

WHEREAS, Vessels passing through the Panama Canal are now required to pay tolls which are greatly in excess of the cost of operating and maintaining the Panama Canal and are oppressive and destructive to the intercoastal shipping industry; and

WHEREAS, Such tolls have been a most important factor in reducing the number of privately owned vessels in the intercoastal shipping service from 170 before World War II to 18 at the present time; and

WHEREAS, This decline in intercoastal merchant shipping has resulted in a corresponding reduction in the volume of cargo handled by all ports on the West Coast of the United States with a consequent loss of business and pay rolls by the ports of California, Oregon and Washington; and

WHEREAS, A number of chambers of commerce and civic organizations have emphatically urged a reduction of canal toll rates; and

WHEREAS, An active and prosperous intercoastal shipping service is vital to national defense and the welfare of the Pacific Coast; now, therefore, be it

*Resolved by the Senate and Assembly of the State of California, jointly,* That the President of the United States, the Congress of the United States, the Secretary of Defense, the Secretary of the Navy and the Maritime Commission of the United States, are hereby respectfully memorialized and requested to take such steps as may be necessary to reduce Panama Canal tolls to fair and equitable rates which will encourage and stimulate intercoastal shipping; and be it further

*Resolved,* That the Secretary of the Senate be hereby directed to prepare and transmit copies of this resolution to the President of the United States, the Vice President of the United States, the Secretary of the Navy, the Secretary of Defense, the Maritime Commission of the United States, the Chief of Naval Operations, the Congress of the United States, the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

## CHAPTER 23

*Assembly Joint Resolution No. 8—Relative to the erection of a dam on the Feather River near Oroville, California.*

[Filed with Secretary of State December 21, 1949.]

WHEREAS, Among the great rivers of the Central Valley of California, the Feather River remains one of the last which is not the subject of an authorized project for the harnessing of its waters for the full realization of their beneficial uses; and

Feather  
River Dam

WHEREAS, The United States Bureau of Reclamation, the United States Army Engineers Corps, and the State Engineer of California after extensive surveys have agreed upon a site for the erection of a large dam on the Feather River near Oroville, California; and

WHEREAS, A serious water shortage exists and continues to develop in many parts of the valley as evidenced by falling water tables in some areas and arid, dusty conditions in others; and

WHEREAS, The need for protection against floods and need for new sources of electric power continues to grow as the population and wealth of the valley grows; and

WHEREAS, The construction of a dam at Oroville would provide great benefits in the form of flood control and power development as well as a reservoir of water for irrigation, industrial and domestic uses; now, therefore, be it

*Resolved by the Assembly and Senate of the State of California, jointly,* To memorialize the Congress of the United States to give early consideration to the plan for the construction of the proposed dam on the Feather River near Oroville so that the benefits of this project may be made available in the near future; and be it further

*Resolved,* That the Chief Clerk of the Assembly is instructed to send copies of this resolution to the Senate and House of Representatives of the United States and to the Senators and Representatives from this State.

## CHAPTER 24

*Assembly Concurrent Resolution No. 12—Relative to the creation of a Joint Legislative Committee on Lobby Regulation and defining the powers and duties of the committee.*

[Filed with Secretary of State December 21, 1949 ]

WHEREAS, One of the subjects submitted to the Legislature at this extraordinary session which convened December 12, 1949, is "legislation relating to lobbying and other attempts to influence legislation" and another such subject is "legislation to prohibit any state officer or employee, otherwise than in the discharge of his official duties, from representing for

Creation  
of Joint  
Legislative  
Committee  
on Lobby  
Regulation

compensation the interests of any other person before any administrative agency or officer of this State or from prosecuting or aiding or assisting in the prosecution of any claim of another against the State or any agency thereof before any such agency or officer," and a number of different types of measures upon one phase or another of these subjects have been introduced at this session; and

WHEREAS, These subjects present issues of tremendous public importance and policies for formulation and consideration fundamental to the proper and effective functioning of two of the three major departments (the legislative and the executive) of our State Government, for the wise and timely solution of which it is indispensable that the Senate and Assembly through a committee of their members ascertain, assemble and analyze all the relevant facts, including due consideration and appraisal of laws on either of these subjects heretofore enacted by the Federal Government and each of the other states, and the extent to which and the particulars in which any such law has proven effective or ineffective in furthering the desired objectives, to the end that the Senate and Assembly of California may advisedly, and with full assurance that they have before them the fullest information possible, consider and adopt wise and timely laws upon those subjects; and

WHEREAS, There became available to each of our members only as recently as Tuesday, December 13, 1949, a compilation of federal and state laws on lobbying, a compendious volume of some 160 pages, but there has not been time as yet to obtain reports concerning the effectiveness or lack of effectiveness of any of those laws in furthering and fostering the purposes and objectives for which they were enacted, nor to analyze the specific terms and provisions of any of those laws as to the precise scope of their meaning and application in actual experience over the years; and

WHEREAS, It is of tremendous public importance that such legislation be written to effectuate the desired objectives without impinging upon or hampering the rights of the people "to instruct their representatives" and "to petition the Legislature for redress of grievances" guaranteed by the provisions of Section 10 of Article I of the Constitution of our State; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring, as follows:*

1. It is the intention of this Legislature to enact legislation to regulate the practice of lobbying and to do so either at the recessed portion of this extraordinary session or at the extraordinary session which the Governor has indicated he intends to convene to meet in early March, 1950; and

2. The Joint Legislative Committee on Lobby Regulation is hereby created and authorized and directed (1) to ascertain, study and analyze all facts relating to or in any manner affecting or bearing upon any of the subjects mentioned in any of the recitals of this resolution, and any and all matters incidental

or pertaining thereto, each in all their several phases, and (2) to study and analyze each and every measure introduced at this extraordinary session which deals with or in any wise relates to any of those subjects or any phase thereof, including but not limited to Assembly Bills 2, 4, 5, 9, 20, 29, 30, 44, and 52, House Resolutions 17 and 18, and Senate Bills 6 and 7, and (3) to study, ascertain and evaluate the operation, effect, administration and enforcement and needed revision of any and all laws in any way bearing upon or relating to any of the subjects of this resolution or of any of the recitals of this resolution, and to report thereon to the Legislature, including in the report the committee's recommendations for appropriate legislation.

3. The committee shall consist of three members of the Assembly appointed by the Speaker thereof and three members of the Senate appointed by the Committee on Rules thereof. Vacancies occurring in the membership of the committee shall be filled by the appointing power.

4. The committee is authorized to act during this session of the Legislature including any recess and after final adjournment until the twentieth of March, 1950.

5. The committee is authorized and directed to report its findings and recommendations to the Legislature and to the people from time to time and at any time, not later than March 20, 1950.

6. The committee and its members shall have and exercise all of the rights, duties and powers conferred upon investigating committees and their members by the provisions of the Joint Rules of the Senate and Assembly as they are adopted and amended from time to time at this session, which provisions are incorporated herein and made applicable to this committee and its members.

7. The committee has the following additional powers and duties:

(a) To select a chairman and a vice chairman from its membership.

(b) To contract with such other agencies, public or private, as it deems necessary for the rendition and affording of such services, facilities, studies and reports to the committee as will best assist it to carry out the purposes for which it is created.

(c) To cooperate with and secure the cooperation of county, city, city and county, and other local law enforcement agencies in investigating any matter within the scope of this resolution and to direct the sheriff of any county to serve subpoenas, orders and other process issued by the committee.

(d) To do any and all other things necessary or convenient to enable it fully and adequately to exercise its powers, perform its duties, and accomplish the objects and purposes of this resolution.

8. The sum of seven thousand five hundred dollars (\$7,500) or so much thereof as may be necessary is hereby made available from the contingent funds of the Senate and Assembly for the expenses of the committee and its members and for any charges,



expenses or claims it may incur under this resolution, to be paid from said contingent funds equally and disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

## CHAPTER 25

### *Assembly Concurrent Resolution No. 13—Congratulating Judge Edward F. O'Day of the San Francisco Municipal Court*

[Filed with Secretary of State December 21, 1949.]

Congrat-  
ulations to  
Judge  
Edward  
F. O'Day

WHEREAS, The Members of the Legislature of California have learned with pleasure of the selection of Judge Edward F. O'Day to be presiding judge of the Municipal Court of San Francisco for the term beginning January 1, 1950; and

WHEREAS, Edward F. O'Day was a Member of the Assembly of California, representing the Twenty-fourth Assembly District, for five consecutive terms beginning in 1939, where he soon made many friends and took a position of leadership in the work of the Assembly, furthering studies for the alleviation of unemployment, poverty, and juvenile delinquency, serving as a member of the Committee on Ways and Means, and becoming chairman of the San Francisco delegation, in which chairmanship he served until his election to the Municipal Court of San Francisco in November of 1947; and

WHEREAS, At the time of his election as judge of the municipal court he was the youngest man ever elected to that court, and when he begins his term as Presiding Judge of the Municipal Court of San Francisco on January 1, 1950, he will be the youngest judge ever to have held that distinguished office; and

WHEREAS, Edward F. O'Day is a native of San Francisco and was educated in the San Francisco schools, graduating from the University of San Francisco and obtaining his law degree from the University of San Francisco Law School, and has a lovely wife and two daughters with whom he enjoys the blessings of a felicitous home life; and

WHEREAS, The exemplary career of Edward F. O'Day in public service, and the brilliant achievement of so youthful a man in attaining to such a distinguished office reflects great credit upon himself and his family, and upon the community environment which gave him his preparation for life upon the stage of public service; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring,* That the Members of the Legislature of California extend to their friend and former colleague, Judge Edward F. O'Day, heartiest congratulations, knowing that he will bring to his new high office an integrity and ability which will redound in great benefit to the municipal court and to the people of the City and County of San Francisco; and be it further

*Resolved*, That the Chief Clerk of the Assembly transmit a suitably engrossed copy of this resolution to Edward F O'Day, Presiding Judge of the Municipal Court of the City and County of San Francisco.

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## CHAPTER 26

### *Assembly Concurrent Resolution No. 14—Relative to the Honorable Bartley W. Cavanaugh.*

[Filed with Secretary of State December 21, 1949 ]

WHEREAS, The Members of this Legislature desire to extend their appreciation to the Honorable Bartley W. Cavanaugh for his many courtesies and kindnesses; and

WHEREAS, The Honorable Bartley W. Cavanaugh has done everything possible to make the stay of the Members of the Legislature in Sacramento during this present special session a pleasant and comfortable one and has cooperated with them in every way possible; and

WHEREAS, The Members of this Legislature deeply appreciate the hospitality and efforts of "Bart" Cavanaugh; and

WHEREAS, The people and City Council of Sacramento are to be commended for having a man of this caliber as their representative; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring*, That the Members of the Legislature thank the Honorable Bartley W. Cavanaugh for his efforts in their behalf; and be it further

*Resolved*, That the Chief Clerk of the Assembly be directed to transmit copies of this resolution to the Honorable Bartley W. Cavanaugh, to the Mayor of the City of Sacramento, and to the City Council of the City of Sacramento.

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## CHAPTER 27

### *Assembly Concurrent Resolution No. 16—Relative to the Pepperdine College victory in the Los Angeles Invitational Basketball Tournament.*

[Filed with Secretary of State December 21, 1949 ]

WHEREAS, In Los Angeles, California, on December 16, 1949 the basketball team of Pepperdine College triumphed in the third annual Los Angeles Invitational Basketball Tournament and thereby won the Los Angeles Invitational Basketball Championship; and

WHEREAS, Participation in the tournament was in itself a great honor; and

WHEREAS, The Pepperdine College basketball team reached the finals of the tournament by defeating Brigham Young University, one of the strongest teams entered in the tournament; and

WHEREAS, The victory was won in the face of great odds against the defending champions, Hamline University of St. Paul, Minnesota, the team which was favored to win this third annual Los Angeles Invitational Basketball Tournament; and

WHEREAS, The Pepperdine College basketball team, in winning the tournament, acquitted themselves in a manner to bring great honor to themselves, Pepperdine College, and to West Coast basketball, and great pride and pleasure to the people of the City of Los Angeles; and

WHEREAS, Pepperdine College is the only college in the Sixty-sixth Assembly District; and

WHEREAS, Assemblyman Gordon R. Hahn of the Sixty-sixth Assembly District is a member of the faculty of Pepperdine College; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring,* That the Members of this Legislature hereby congratulate each member of the Pepperdine College basketball team, their coach, Mr. "Duck" Dowell, and Pepperdine College upon their victory in the third annual Los Angeles Invitational Basketball Tournament, and Mr. A. O. Duer, the President of the National Association of Intercollegiate Basketball, and Athletic Director of Pepperdine College for his activities in sponsoring this tournament; and be it further

*Resolved,* That the Chief Clerk of this Assembly cause copies of this resolution to be suitably prepared and transmitted with the best wishes of the Members of the Legislature of California to each member of the championship basketball team of Pepperdine College, to their coach, Mr. "Duck" Dowell, to Hugh M. Tiner, President of Pepperdine College, to Assemblyman Gordon R. Hahn, and to Coach A. O. Duer.

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## CHAPTER 28

*Assembly Concurrent Resolution No. 17—Relative to the adoption of Assembly Constitutional Amendment No. 84 at a special election held November 8, 1949.*

[Filed with Secretary of State December 21, 1949.]

WHEREAS, At the recent election held in the State of California on November 8, 1949, the voters of California approved a raise in salary for the members of the Legislature; and

WHEREAS, Many organizations in the State of California lent their efforts toward seeing that this constitutional amendment was brought to a successful conclusion, appreciating the fact that the Legislators were grossly underpaid for the amount

of time, effort and service given to the State; now therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring,* That the members do hereby express to the voters of California, and also to the many organizations and individuals, as well as the press, who participated in securing the passage of Proposition No. 3, their sincere thanks and appreciation for their help in securing approval of the salary raise.

## CHAPTER 29

*Assembly Concurrent Resolution No. 18—Relative to the leasing of the Federal Prison at Terminal Island, California, for the early establishment of facilities for the Medical Facility of the Department of Corrections as provided for in Part 3, Title 7, Chapter 8 of the Penal Code.*

[Filed with Secretary of State December 21, 1949.]

WHEREAS, There is currently widespread public concern regarding sex crimes and other offenses committed by mentally unsound persons; and

Lease of  
Federal  
Prison at  
Terminal  
Island  
by State

WHEREAS, During the past six months it has been necessary to return all insane prisoners to the State Prison at San Quentin from the mental hospitals in order to make room for dangerous civil cases; and

WHEREAS, All of the existing facilities in California's prisons are from 60 percent to 105 percent overcrowded; and

WHEREAS, The Legislature has recognized, from time to time, for many years past, the need for a prison-hospital type of institution wherein some 15 percent of the prison population of this State can be given special diagnosis, study, care, and treatment, as for example by the enactment of Part 3, Title 7, Chapter 8 of the Penal Code in the Statutes of 1945, and in the enactment of numerous other provisions for the psychiatric care of persons with criminal tendencies; and

WHEREAS, A site has been purchased and preliminary plans have been made for the eventual construction of a permanent institution for the Medical Facility of the Department of Corrections near Vacaville, California; and

WHEREAS, This permanent institution cannot possibly be made available for use in less than three years, assuming that funds for its construction will be appropriated in 1950; and

WHEREAS, The Federal Prison located at Terminal Island, California, will be available after May 1, 1950, for lease by the State of California, on a no-fee lease basis, for a period of from two to three years; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring,* As follows:

1. That the Governor be encouraged to take the necessary steps to lease the Federal Prison at Terminal Island when the

Federal Government relinquishes it after April 30, 1950, for the temporary use of the Medical Facility of the Department of Corrections.

2. That the Assembly and the Senate give consideration at the 1950 Budget Session of the Legislature to the provision of adequate budgetary funds to operate this facility at Terminal Island for 750 prisoners requiring special medical attention during the 1950-51 Fiscal Year.

3. That the same consideration be extended to a request for the appropriation of capital outlay funds for the construction of a permanent institution at Vacaville for the Medical Facility of the Department of Corrections in order to make certain that this very important phase of the work of the prison system may be fully and permanently accomplished.

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## CHAPTER 30

*Assembly Concurrent Resolution No. 20—Relative to the adjournment sine die of the 1949 (First Extraordinary) Session of the Legislature.*

[Filed with Secretary of State December 21, 1949.]

Adjourn-  
ment  
sine die

WHEREAS, Most of the work of this First Extraordinary Session of the Legislature, 1949, has been completed; and

WHEREAS, It is most desirable to hold the budget hearings of the Assembly Ways and Means Committee and the Senate Finance Committee, which will be undertaken during February, 1950, at a time when all Members of the Legislature can be present; now be it therefore

*Resolved by the Assembly of the State of California, the Senate thereof concurring, That this 1949 First Extraordinary Session of the Legislature of the State of California, which convened at 12 noon on the twelfth day of December, 1949, pursuant to a Proclamation issued by the Governor of the State of California under date of December 7, 1949, shall adjourn sine die at 9 p m . December 21, 1949.*

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## CHAPTER 31

*Senate Constitutional Amendment No. 1—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by adding Section 6 to Article XVI thereof, relating to the issuance of bonds to provide farm and home aid for veterans.*

[Filed with Secretary of State December 21, 1949.]

*Resolved by the Senate, the Assembly concurring, That the Legislature of the State of California, at its extraordinary session commencing on the twelfth day of December, 1949, two-*

thirds of the members elected to each of the houses of the Legislature voting therefor, hereby proposes to the people of the State of California that the Constitution of the State be amended by adding Section 6 to Article XVI thereof, to read:

SEC. 6. The issuance and sale of bonds of the State of California, not exceeding in the aggregate the sum of one hundred million dollars (\$100,000,000), and the use and disposition of the proceeds of the sale of said bonds, all as provided in the Veterans Bond Act of 1949 (Article 5B added to Chapter 6 of Division 4 of the Military and Veterans Code by Chapter 1267 of the Statutes of 1949) authorizing the issuance and sale of state bonds in the sum of one hundred million dollars (\$100,000,000) for the purpose of providing a fund to be used and disbursed to provide farm and home aid for veterans in accordance with the provisions of the Veterans Farm and Home Purchase Act of 1943, and of all acts amendatory thereof and supplemental thereto are hereby authorized and directed and said Veterans Bond Act of 1949 is hereby approved, adopted, legalized, ratified, validated, and made fully and completely effective upon the effective date of this amendment to the Constitution. All provisions of this section shall be self-executing and shall not require any legislative action in furtherance thereof, but this shall not prevent such legislative action. Nothing in this Constitution contained shall be a limitation upon the provisions of this section.

Bond  
issue for  
veterans'  
farm and  
home loans

## CHAPTER 32

### *Senate Concurrent Resolution No. 3—Relative to hours which the State Library remains open.*

[Filed with Secretary of State December 21, 1949 ]

WHEREAS, The State of California has established and maintained at great and continuing expense a State Library for the use of the people of this State; and

Hours of  
state law  
library

WHEREAS, There are many students in and around the Sacramento area who are desirous of availing themselves of the opportunity of using this fine library; and

WHEREAS, The present hours that the State Library in Sacramento remains open makes it inconvenient for these persons to avail themselves of the law library of the State Library's facilities; now, therefore, be it

*Resolved by the Senate of the State of California, the Assembly thereof concurring,* That the Legislature of the State of California hereby requests the Department of Education to keep the law library in the State Library open from 9 o'clock a.m., until 9 o'clock p.m., six days a week throughout the year; and be it further

*Resolved,* That the Secretary of the Senate is hereby requested to forward a copy of this resolution to the Department of Education and the State Librarian.

## CHAPTER 33

*Senate Concurrent Resolution No. 11—Relative to Arthur H. Samish.*

[Filed with Secretary of State December 21, 1949 ]

Arthur H.  
Samish

WHEREAS, Arthur H. Samish in two widely published articles in *Colliers*, a national magazine, has boasted that he is the Secret Boss of California and the Governor of the Legislature; and

WHEREAS, The said Arthur H. Samish by his boasting statements has cast a slur and a shadow on the reputation and integrity of every Member of this Legislature; now, therefore, be it

*Resolved by the Senate of the State of California, the Assembly thereof concurring,* That the name of Arthur H. Samish and the names of all his employees be stricken from the rolls of legislative representatives forever; and be it further

*Resolved,* That the Rules Committees of both houses be hereby directed to take the necessary steps to effectively carry out this matter.

## CHAPTER 34

*Senate Joint Resolution No. 5—Relative to hospital facilities for veterans in California.*

[Filed with Secretary of State December 21, 1949 ]

Hospital  
facilities  
for  
veterans:  
Corona  
Naval  
Hospital

WHEREAS, There are insufficient beds in government hospitals for veterans in California as evidenced by waiting lists and by the large number of tubercular and mentally ill veterans now adding to the overcrowded conditions of California state and county hospitals; and

WHEREAS, The Veterans Administration has announced plans for a future building program for hospitals to meet this need; and

WHEREAS, The United States Naval Hospital at Corona, built by the Navy since 1941 at an expenditure of \$19,000,000, has been abandoned by the Navy and is now idle but in every way suitable and desirable for the care of veterans by the Veterans Administration; and

WHEREAS, The American Legion, the Veterans of Foreign Wars, the Disabled American Veterans, and other ex-service organizations have recommended the Corona Naval Hospital for transfer to the Veterans Administration; now, therefore, be it

*Resolved by the Senate and the Assembly of the State of California, jointly,* That the Veterans Administration be, and hereby is, requested to take over at once the Corona Naval Hos-

pital as a major veterans' facility for the care of sick and disabled veterans in California; and be it further

*Resolved*, That the Congress of the United States is memorialized to bring about the transfer of the Corona Naval Hospital to the Veterans Administration and to enact any legislation which may be needed for this purpose; and be it further

*Resolved*, That copies of this resolution shall immediately be dispatched by the Secretary of the Senate to the President of the United States, to the Vice President of the United States, to the Speaker of the House of Representatives of the United States, to each Senator and Representative from the State of California, and to the Veterans Administrator.

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## CHAPTER 35

### *Senate Joint Resolution No. 4—Relative to the United States Naval Shipyard at Mare Island.*

[Filed with Secretary of State December 21, 1949.]

WHEREAS, The Navy Yard, Mare Island, California, was established by the illustrious Admiral Farragut, then a Commodore in the year 1854 at Vallejo, California as the first Navy yard on the Pacific Coast, and during the past 96 years through war and through peace this Navy yard, now known as the United States Naval Shipyard, Mare Island, Vallejo, California, has grown in importance and scope to be one of the largest naval shipyards in the United States and in the world; and

WHEREAS, During the recent war all 27 private shipyards in the San Francisco Bay area were under the complete or partial control, or direction of the then Navy Yard, Mare Island, and all naval activities centered under the Ferry Building at San Francisco, and the annex of Mare Island at Hunters Point, now known as the San Francisco Naval Shipyard, were also under Mare Island direction; and

WHEREAS, The Congress of the United States recognizing the importance of Mare Island provided by federal law that San Francisco activities at Hunters Point must be an annex and operated as such to Mare Island, and approximately 60 percent of all naval ship building and repair work on the Pacific Ocean, under the control of the United States, was accomplished at Mare Island or in activities under the control or direction of Mare Island; and

WHEREAS, Proud of this great heritage and responsibility the City of Vallejo supports and works in close harmony with its one large industry, that it may proudly carry on the high traditions of this heritage, and any serious cut in the present level of employees at the Mare Island Naval Shipyard would seriously hamper the traditions, the stability, and the defense of the West Coast of the United States and the Orient and would bring disaster and ruin to Mare Island and Vallejo; now, therefore, be it



*Resolved by the Senate and the Assembly of the State of California, jointly,* That the President of the United States, the Vice President of the United States, the Secretary of Defense, the Secretary of the Navy, the Chief of Naval Operations and the Congress of the United States are hereby respectfully memorialized and requested to take such steps consistent with national economy as may be necessary to assure that the defenses of the Pacific and West Coast areas not be weakened or hampered by reducing the personnel or otherwise impairing the efficiency of United States Naval Shipyard, Mare Island, Vallejo, California which has always been and in the future will be the most important of all West Coast shipyards capable of rendering the type of support to the defenses of the United States which has been so ably rendered in the past; and be it further

*Resolved,* That the Secretary of the Senate be hereby directed to prepare and transmit copies of this resolution to the President of the United States, the Vice President of the United States, the Secretary of Defense, the Secretary of the Navy, the Chief of Naval Operations, the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

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## CHAPTER 36

*Senate Concurrent Resolution No. 10—Relative to the disposition and use of furniture, office equipment and other personal property acquired for the administration of the aged and blind aid programs.*

[Filed with Secretary of State December 21, 1949.]

Office  
equipment  
acquired  
for admin-  
istration of  
aged and  
blind  
programs

WHEREAS, Article XXVII of the State Constitution is now effective and will become operative on March 1, 1950, thereby returning to the Legislature complete authority over the aged and blind aid programs of this State and their administration; and

WHEREAS, During the operation of Article XXV of the Constitution, substantial amounts of furniture, office equipment and other personal property were acquired by the State for the administration of the aged and blind aid programs, such acquisition being either through direct purchase by the State for "district welfare offices" or indirectly through reimbursement by the State of purchases by counties; and

WHEREAS, The aforementioned furniture, office equipment and other personal property will be needed by the various counties for use in connection with the administration of aged and blind aid during the period from March 1, 1950, through June 30, 1950; and

WHEREAS, Federal funds have been used in the purchase of the aforementioned personal property to the extent of approx-

imately 47 percent of the purchase price thereof, which federal funds must be repaid if the property is not continued to be used in the administration of the aged and blind aid programs; now, therefore, be it

*Resolved by the Senate of the State of California, the Assembly thereof concurring,* That the Director of Finance is hereby urged and requested to make available to the various counties for the purpose of administration of the aged and blind aid programs during the period beginning March 1, 1950, and ending June 30, 1950, such furniture, office equipment and other personal property purchased by or paid for by the State during the period beginning January 1, 1949, and ending February 28, 1950, and acquired for use in the administration of the aged and blind aid programs either by the various counties operating under contract with the State or by the State Department of Social Welfare for use in its "district offices," as are found necessary by the State Department of Social Welfare, with the approval of the State Department of Finance, for the proper and efficient administration of such aid; and provided further, that all property so made available shall be receipted for in writing by an authorized representative of the county receiving or retaining possession of such property in order that proper record of such property will be maintained at all times.

## CHAPTER 37

*Senate Concurrent Resolution No. 12—Relative to congratulating the football team of the University of California on its splendid record.*

[Filed with Secretary of State December 21, 1949.]

WHEREAS, The football team of the University of California has completed its regular season and is now preparing for the Rose Bowl game; and

University  
of Cali-  
fornia foot-  
ball team

WHEREAS, It has been undefeated and untied in 10 games during its regular season and is undisputed champion of the Pacific Coast Conference; and

WHEREAS, These accomplishments were performed in the face of great obstacles, including numerous losses of key men due to injuries; and

WHEREAS, The members of the team and the coaching staff overcame each such obstacle as it arose through the development of new players and through the exhibition of fine team play and fighting spirit; now, therefore, be it

*Resolved by the Senate of the State of California, the Assembly thereof concurring,* That the Members of the Legislature hereby express their admiration for the accomplishments of the members of the team and of the coaching staff headed by Lynn (Pappy) Waldorf, and extend their congratulations to them; and be it further

*Resolved*, That the Members of the Legislature extend to the football team of the University of California and to the coaching staff their best wishes for success in the Rose Bowl game to be held on January 2, 1950; and be it further

*Resolved*, That the Secretary of the Senate is hereby directed to transmit copies of this resolution to Robert Gordon Sproul, President of the University, to Lynn (Pappy) Waldorf, Head Coach of the football team, and to the members of the football team of the University of California.